



CITY OF  
**West Linn**

**STAFF REPORT  
PLANNING MANAGER DECISION**

DATE: January 5, 2022

FILE NO.: MIP-21-03

REQUEST: Approval of a single-lot partition to create a legal lot of record out of existing Oregon Department of Transportation (ODOT) right of way located northerly of the I-205 freeway, easterly of Salamo Road, and southerly of Barrington Heights. The purpose of the action is to facilitate the transfer of approximately 32.98 acres of surplus land from ODOT to the City of West Linn. No development is proposed as part of this application.

PLANNER: John Floyd, Associate Planner

Planning Manager DSW

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## GENERAL INFORMATION

- APPLICANT:** City of West Linn  
Attn: Casey Thompson  
22500 Salamo Road  
West Linn, OR 97068
- OWNER:** ODOT Property Management  
4040 Fairview Industrial Drive SE, MS#@  
Salem, OR 97302-1145
- SITE LOCATION:** Approximately 32.98 acres northerly of the I-205 freeway, easterly of Salamo Road, and southerly of Barrington Heights.
- SITE SIZE:** 32.98 Acres
- LEGAL DESCRIPTION:** Approximately 32.98 acres of ODOT right of way located within S.E. ¼ Section 35 and S.W. ¼ Section 36, T.2S, R.1E, W.M. City of West Linn, Clackamas County, Oregon
- COMP PLAN DESIGNATION:** Low-Density Residential and partially undesignated
- ZONING:** R-10, Single-Family Residential Detached (10,000 sq. ft. min. lot size) and partially undesignated
- APPROVAL CRITERIA:** Community Development Code (CDC)  
Chapter 11: Single-Family Residential Detached, R-10  
Chapter 32: Water Resource Area Protection  
Chapter 48: Access, Egress and Circulation  
Chapter 85: Land Division, General Provisions  
Chapter 92: Required Improvements  
Chapter 99: Procedures for Decision Making: Quasi-Judicial.
- 120-DAY RULE:** The application became complete on December 14, 2021. The 120-day period ends April 13, 2022.
- PUBLIC NOTICE:** Notice was mailed to property owners within 500 feet of the subject property, the Savanna Oaks and BHT neighborhood associations, Clackamas County, and potentially affected state agencies December 14, 2021. A sign was placed on the property on December 14, 2021. The notice was also posted on the City's website on December 14, 2022. Therefore, public notice requirements of CDC Chapter 99 have been met.

## EXECUTIVE SUMMARY

The applicant, City of West Linn, is seeking approval for a single-lot partition to create a legal lot of record out of existing Oregon Department of Transportation (ODOT) right of way. The location of the proposed parcel is northerly of the I-205 freeway, easterly of Salamo Road, and southerly of Barrington Heights. The purpose of the action is to facilitate the transfer of approximately 32.98 acres of surplus land from ODOT to the City of West Linn, to be used for the future construction of a new Operations Facility under a separate development application (Exhibit PD-1).

The proposed parcel is undeveloped and steeply sloped with a relatively flat bench of land at the lower (southern) portion of the property, with an approximate 200 foot elevation difference from top to bottom. Vegetation consists of scattered tree cover. Bernert creek, an inventoried stream on the City's Water Resource Area Map, flows across the southwest corner of the proposed parcel.

The western boundary of the proposed parcel is Salamo Road, with approximately 653 linear frontage providing for future utility and transportation access. The northern and eastern boundaries of the proposed parcel adjoin single-family homes in Barrington Heights, and the southern boundary will abut I-205 right of way.

Due to the long status of this land as I-205 right of way, only a portion of the proposed parcel has a Comprehensive Plan and Zoning designation. The northerly part of the proposed parcel is designated for low density residential and zoned R-10, while the lower and most developable part of the parcel is undesignated.

No development is proposed as part of this application. Any future development of the property will be considered under a future application. As the affected land is only partially zoned, future development applications are likely to include a request to amend the City's Comprehensive Plan Map and Zoning Map to apply land use designations and applicable zoning to the entirety of the parcel.

### **Public Comments:**

Two public comments were received by email (Exhibit PD-4).

The first comment was submitted by Joshua Dodson in an email dated December 22, 2021. The email expressed concern regarding the implementation of HB 2001 and potential residential development of the property. The comment then proposes the transfer of a portion of the new parcel to the adjoining homeowners to "preserve good relations, good views, and eliminate future development in this wild natural open space along the top ridge."

In response, the Planning Manager (designee) notes that the northerly portion of this property is currently zoned for residential development or uses deemed to be compatible with residential development in the R-10 zone (CDC 11.030-060), and no specific conflict with relevant approval criterion or standard for a minor land partition was cited. Additionally, no development is proposed at this time and any future development is likely to be a public facility at the lower portion of the property and will proceed under a separate application.

The second comment was submitted by Karie Oaks in an email dated January 3, 2022. The email expressed concern that statutory requirements were not met regarding the content of the public notice and the application materials submitted. Specifically, Ms. Oaks stated a concern that the earliest date of decision by the Planning Director was not included in the notice, and that the application materials lacked an existing conditions map.

In response to the second comment, staff will note that the notice documents specify a deadline of 4pm on January 3, 2022 for comments to be considered by the Planning Manager as part of the decision-making process (Exhibit PD-3). As for the existing conditions map, the Planning Manager finds the large scale GIS maps to satisfy the requirement as no development is proposed at this time, and the GIS maps provided with the application provide a sufficient level of detail regarding the location of the riparian resource on a small portion of the 32.98 acre parcel (Exhibit PD-1). This decision is consistent with CDC 99.035(B) that permits the Planning Director or designee to waive a specific requirement if that information is not necessary to evaluate the application. Such information will be required at the time of development and an existing conditions map will be required as part of the future application when the information is more directly relevant.



## DECISION

The Planning Manager (designee) approves this application (MIP-21-03), based on: 1) the findings submitted by the applicant, which are incorporated by this reference, 2) supplementary staff findings included in the Addendum below, and 3) the addition of conditions of approval below. With these findings, the applicable approval criteria are met. The conditions are as follows:

1. **Site Plan.** With the exception of modifications required by these conditions, the final plat shall conform to the Record of Survey dated June 11, 2020 and included in Exhibit PD-1 of this decision.
2. **Undergrounding of Utility Lines.** Future development on the proposed parcel shall underground existing overhead utilities along the Salamo Road frontage prior to final inspection, consistent with CDC 85.200(J)(6).

The provisions of the Community Development Code Chapter 99 have been met.

*John M. Floyd*

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John Floyd, Associate Planner

January 7, 2022

Date

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of mailing date. Cost is \$400. An appeal to City Council of a decision by the Planning Director shall be heard on the record. The appeal must be filed by an individual who has established standing by submitting comments prior to the decision date. Approval will lapse 3 years from effective approval date if the final plat is not recorded.

Mailed this 7<sup>TH</sup> day of January 2022.

Therefore, the 14-day appeal period ends at 5 p.m., on January 21, 2022.

**ADDENDUM  
APPROVAL CRITERIA AND FINDINGS  
MIP-21-03**

This decision adopts the findings for approval contained within the applicant's submittal, with the following exceptions and additions:

*CHAPTER 11, SINGLE FAMILY RESIDENTIAL DETACHED, R-10*

*11.060 CONDITIONAL USES*

*(...)*

*3. Public safety facilities.*

*4. Public support facilities.*

*(...)*

**Staff Finding 1: The existing property is undeveloped. No new development is proposed, however, the future use of the property for a city operations facility would be allowed subject to conditional use review. The application states this review will occur as part of a future and separate application. This standard is not applicable.**

*11.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS*

*1. The minimum lot size shall be 10,000 square feet for a single-family detached unit:*

*2. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.*

*3. The average minimum lot width shall be 50 feet.*

*(...)*

**Staff Finding 2: Staff incorporates the applicant's findings regarding lot dimensions: "The proposed parcel is 1,436,402 square feet, which exceeds the minimum requirement. The survey demonstrates the proposed parcel will have 653.83 feet of frontage on Salamo Road, which exceeds the minimum requirement. The survey demonstrates the proposed parcel is variable in width, and will have an average width of approximately 500 feet, which exceeds the minimum requirement."**

**Dimensional standards applicable to buildings or structures are not applicable as no development is proposed at this time. Therefore the applicable standards are met.**

*CHAPTER 32, WATER RESOURCE AREA PROTECTION*

*32.020 APPLICABILITY*

*A. THIS CHAPTER APPLIES TO ALL DEVELOPMENT, ACTIVITY OR USES WITHIN WRAS IDENTIFIED ON THE WRA MAP. IT ALSO APPLIES TO ALL VERIFIED, UNMAPPED WRAS. THE WRA MAP SHALL BE AMENDED TO INCLUDE THE PREVIOUSLY UNMAPPED WRAS.*

*(...)*

**Staff Finding 3: Staff incorporates the applicant’s findings: “This chapter is applicable as a mapped stream lies within the project boundary. Applicant is looking to create a legal lot of record from surplus ODOT property used as right-ofway. All new development and future uses of the property will require a new land use Application.”**

**As no development is proposed at this time, this chapter is not applicable.**

CHAPTER 48, ACCESS CONTROL

48.020 APPLICABILITY AND GENERAL PROVISIONS

(...)

B. All lots shall have access from a public street or from a platted private street approved under the land division chapter.

C. No building or other permit shall be issued until scaled plans are presented to the City and approved by the City as provided by this chapter, and show how the access, egress, and circulation requirements are to be fulfilled. Access to State or County roads may require review, approval, and permits from the appropriate authority.

(...)

**Staff Finding 4: The proposed lot will have over 650 linear feet of frontage along Salamo Road. No development is proposed at this time, and future development applications will provide scaled plans demonstrating how access, egress, and circulation requirements of CDC Chapter 48 are to be fulfilled. These standards are met or will be met at the time of future development.**

48.025 ACCESS CONTROL

A. Purpose. The following access control standards apply to public, industrial, commercial and residential developments including land divisions. Access shall be managed to maintain an adequate level of service and to maintain the functional classification of roadways as required by the West Linn Transportation System Plan.

B. Access Control Standards

(...)

**Staff Finding 5: The proposed application is to create one legal lot of record and no development is proposed at this time, but will be met through a future development application. Therefore, these standards do not apply.**

C. Street connectivity and formation of blocks required. In order to promote efficient vehicular and pedestrian circulation throughout the City, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:

1. Block length and perimeter. The maximum block length shall not exceed 800 feet or 1,800 feet along an arterial.

2. Street standards. Public and private streets shall also conform to Chapter 92 CDC, Required Improvements, and to any other applicable sections of the West Linn Community Development Code and approved TSP.

3. Exception. Exceptions to the above standards may be granted when blocks are divided by one or more pathway(s), in conformance with the provisions of CDC 85.200(C), Pedestrian and Bicycle Trails, or cases where extreme topographic (e.g., slope, creek, wetlands, etc.) conditions or compelling functional limitations preclude implementation, not just inconveniences or design challenges.

**Staff Finding 6: The proposed single-lot partition does not include development or the formation of blocks or any new public or private streets or access ways. No through-street connections are possible due to existing development, and the steep slopes of the property and presence of Bernert Creek will limit the future development of new blocks. The requirements of CDC Chapter 92 are address in Staff Finding 47 below. These standards are met or not applicable.**

#### CHAPTER 85, GENERAL PROVISIONS

##### 85.140 PRE-APPLICATION CONFERENCE REQUIRED

- A. An applicant shall participate in a pre-application conference with staff prior to the submission of a complete tentative plan.
- B. The Planning staff shall explain the applicable plan policies, ordinance provisions, opportunities, and constraints which may be applicable to the site and type of proposed land division.
- C. The City Engineering staff shall explain the public improvement requirements which may be applicable to the site and type of proposed land division, including potential for the applicant to apply for a waiver of street improvements.

**Staff Finding 7: A pre-application meeting was held on October 21, 2021 under PA-21-17. This standard is met.**

##### 85.160 SUPPLEMENTAL SUBMITTAL REQUIREMENTS FOR TENTATIVE SUBDIVISION OR PARTITION PLAN

- A. A City-wide map shall identify the site. A vicinity map covering one-quarter-mile radius from the development site shall be provided in the application showing existing subdivisions, streets, and unsubdivided land ownerships adjacent to the proposed subdivision and showing how proposed streets and utilities may be extended to connect to existing streets and utilities.

**Staff Finding 8: The tentative plan (labelled record of survey) included with the application provides a vicinity view and includes adjacent subdivisions and streets (Exhibit PD-1). This standard is met.**

- B. The tentative subdivision plan shall be prepared by a registered civil engineer and/or a licensed land surveyor. A stamp and signature of the engineer or surveyor shall be included on the tentative subdivision plan. A tentative minor partition plan (three lots or less) is only required to be drawn to scale and does not have to be prepared by an engineer or surveyor.

**Staff Finding 9: The tentative plan included with the application for a single-lot partition was prepared, stamped, and signed by Centerline Concepts, a licensed land surveyor in the State of Oregon. This standard is met.**

*C. The tentative plan of a subdivision or partition shall be drawn at a scale not smaller than one inch equals 100 feet, or, for areas over 100 acres, one inch equals 200 feet.*

**Staff Finding 10: The tentative plan included with the application for a single-lot partition was drawn at scales between 1inch equals 60 feet to one-inch equals 200 feet. This standard is met.**

*D. The following general information shall be shown on the tentative plan of subdivision or partition:*

- 1. Proposed name of the subdivision and streets; these names shall not duplicate nor resemble the name of any other subdivision or street in the City and shall be determined by the City Manager or designee. Street names should be easily spelled, pronounced, and of limited length. All new street names must, to the greatest extent possible, respect and be representative of the surrounding geography and existing street names. Street names should consider any prominent historical City figures or neighborhood themes that exist. Subdivision street names may not reference names of the builder or developer.*
- 2. Date, north arrow, scale of drawing, and graphic bar scale.*
- 3. Appropriate identification clearly stating the drawing as a tentative plan.*
- 4. Location of the proposed division of land, with a tie to the City coordinate system, where established, and a description sufficient to define its location and boundaries, and a legal description of the tract boundaries.*
- 5. Names and addresses of the owner, developer, and engineer or surveyor.*

**Staff Finding 11: The proposed single-lot partition is not a subdivision nor are new streets proposed or required at this time, therefore names for either are not required. All other submittal requirements are present on the proposed drawing by Centerline concepts that describes the parcel to be created. These standards are met.**

*E. The following existing conditions shall be shown on the tentative plan of a subdivision or partition:*

- 1. The location, widths, and names of all existing or platted streets and rights-of-way within or adjacent to the tract (within 50 feet), together with easements and other important features such as section lines, donation land claim corners, section corners, City boundary lines, and monuments.*
- 2. Contour lines related to the U.S. Geological Survey datum or some other established benchmark, or other datum approved by the Planning Director and having the following minimum intervals:*
  - a. Two-foot contour intervals for ground slopes less than 20 percent.*
  - b. Five-foot contour intervals for ground slopes exceeding 20 percent.*
- 3. The location of any control points that are the basis for the applicant's mapping.*

4. *The location, by survey, and direction of all watercourses and areas subject to periodic inundation or storm drainageway overflow or flooding, including boundaries of flood hazard areas as established by the U.S. Army Corps of Engineers or the City zoning ordinance.*
5. *Natural features such as rock outcroppings, wetlands tied by survey, wooded areas, heritage trees, and isolated trees (six-inch diameter at five feet above grade) identified by size, type, and location. All significant trees and tree clusters identified by the City Arborist using the criteria of CDC 55.100(B)(2), and all heritage trees, shall be delineated. Trees on non-Type I and II lands shall have their “dripline plus 10 feet” protected area calculated per CDC 55.100(B)(2) and expressed in square feet, and also as a percentage of total non-Type I and II area.*
6. *Existing uses of the property, including location of all existing structures. Label all structures to remain on the property after platting.*
7. *Identify the size and location of existing sewers, water mains, culverts, drain pipes, gas, electric, and other utility lines within the site, and in the adjoining streets and property.*
8. *Zoning on and adjacent to the tract.*
9. *Existing uses to remain on the adjoining property and their scaled location.*
10. *The location of any existing bicycle or pedestrian ways.*
11. *The location of adjacent transit stops.*

**Staff Finding 12: The proposed plan for the single-lot partition includes all adjacent subdivisions, streets, and survey information as required above. No existing structures or land uses are present on the proposed parcel, no bicycle or pedestrian ways adjoin the property, and no tri-met stops are proximate, therefore those standards are not applicable. Due to the size of the property and the fact that the application exists to create a legal lot of record to facilitate a land transfer of interstate right-of-way from the state to the city and future development of the property will proceed under a separate application, the applicant has provided maps created by the City of West Linn GIS system that demonstrate existing contours, an existing watercourse, zoning, and an aerial photograph indicating general tree cover. The Planning Director finds the scale sufficient per CDC 99.035(B) and proportionate to the action being proposed. This standard is met.**

*F. The following proposed improvements shall be shown on the tentative plan or supplemental drawings:*

1. *The street – street location, proposed name, right-of-way width, and approximate radius of curves of each proposed street and street grades. Proposed street names shall comply with the street naming method explained in CDC 85.200(A)(12).*
2. *The type, method, and location of any erosion prevention and sediment control measures and/or facilities in accordance with the most current version of Clackamas County’s Erosion/Sedimentation Control Plans Technical Guidance Handbook, which are necessary to prevent and control visible or measurable erosion as determined by the following criteria:  
(...)*
3. *Any proposed infrastructure improvements that address those identified in the City Transportation System Plan.*
4. *Any proposed bicycle or pedestrian paths. The location of proposed transit stops.*
5. *Any easement(s) – location, width, and purpose of the easement(s).*

6. *The configuration including location and approximate dimensions and area of each lot or parcel, and in the case of a subdivision, the proposed lot and block number.*
7. *A street tree planting plan and schedule approved by the Parks Department.*
8. *Any land area to be dedicated to the City or put in common ownership.*
9. *Phase boundaries shall be shown.*

**Staff Finding 13: The application does not propose or require any development or dedication listed above. These standards do not apply.**

*85.170 SUPPLEMENTAL SUBMITTAL REQUIREMENTS FOR TENTATIVE SUBDIVISION OR PARTITION PLAN*

*A. General.*

1. *Narrative stating how the plan meets each of the applicable approval criteria and each subsection below.*
2. *Statement or affidavit of ownership of the tract (County Assessor's map and tax lot number).*
3. *A legal description of the tract.*
4. *If the project is intended to be phased, then such a proposal shall be submitted at this time with drawing and explanation as to when each phase will occur and which lots will be in each phase.*
5. *Where the land to be subdivided or partitioned contains only a part of the contiguous land owned by the developer, the Commission or Planning Director, as applicable, shall require a master plan of the remaining portion illustrating how the remainder of the property may suitably be subdivided.*
6. *Where the proposed subdivision site includes hillsides, as defined in CDC 02.030 Type I and II lands, or any lands identified as a hazard site in the West Linn Comprehensive Inventory Plan Report, the requirements for erosion control as described in CDC 85.160(F)(2) shall be addressed in a narrative.*
7. *Table and calculations showing the allowable number of lots under the zone and how many lots are proposed.*
8. *Map and table showing square footage of site comprising slopes by various classifications as identified in CDC 55.110(B)(3).*

**Staff Finding 14: The application materials in Exhibit PD-1 include a narrative, a sales contract for purchase of the land from ODOT, and a legal description of the tract. No phasing is proposed and the remainder of the ODOT property not being transferred will remain in use by the agency for interstate highway purposes. No development is proposed or required as part of this application, therefore no erosion control measures are proposed required. No residential development is proposed at this time, future anticipated uses are expected to be non-residential in nature, and the property is not fully zoned. Therefore the allowable number of lots is neither known nor relevant. Pursuant to CDC 99.035(B), the Planning Director has found that a map and table of slopes by various classifications is not relevant or applicable to this project whose purpose is to create a legal lot of record to facilitate a surplus land transfer from the state, and does not include or require any physical development**

*B. Transportation.*

*1. Centerline profiles with extensions shall be provided beyond the limits of the proposed subdivision to the point where grades meet, showing the finished grade of streets and the nature and extent of street construction. Where street connections are not proposed within or beyond the limits of the proposed subdivision on blocks exceeding 330 feet, or for cul-de-sacs, the tentative plat or partition shall indicate the location of easements that provide connectivity for bicycle and pedestrian use to accessible public rights-of-way.*

**Staff Finding 15: No street construction is proposed or required. This standard does not apply.**

*2. Traffic Impact Analysis (TIA).*

*(...)*

*c. When required. A Traffic Impact Analysis may be required to be submitted to the City with a land use application, when the following conditions apply:*

*1) The development application involves one or more of the following actions:*

*(A) A change in zoning or a plan amendment designation; or*

*(B) Any proposed development or land use action that ODOT states may have operational or safety concerns along a State highway; and*

*(C) The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:*

*(1) An increase in site traffic volume generation by 250 average daily trips (ADT) or more (or as required by the City Engineer); or*

*(2) An increase in use of adjacent streets by vehicles exceeding the 20,000-pound gross vehicle weights by 10 vehicles or more per day; or*

*(3) The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; or*

*(4) The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or*

*(5) A change in internal traffic patterns that may cause safety problems, such as backup onto the highway or traffic crashes in the approach area.*

**Staff Finding 16: The application does not include a change in zoning. ODOT did not comment on the application or otherwise expressed operational or safety concerns related to the transfer of surplus land. As no development or change of use is proposed, none of the listed effects are triggered. Therefore, these standards do not apply.**

*C. Grading.*



1. *If areas are to be graded, a plan showing the location of cuts, fill, and retaining walls, and information on the character of soils, shall be provided. The grading plan shall show proposed and existing contours at intervals per CDC 85.160(E)(2).*

**Staff Finding 17: No grading is proposed or required. These standards do not apply.**

**D. Water.**

1. *A plan for domestic potable water supply lines and related water service facilities, such as reservoirs, etc., shall be prepared by a licensed engineer consistent with the adopted Comprehensive Water System Plan and most recently adopted updates and amendments.*
2. *Location and sizing of the water lines within the development and off-site extensions. Show on-site water line extensions in street stubouts to the edge of the site, or as needed to complete a loop in the system.*
3. *Adequate looping system of water lines to enhance water quality.*
4. *For all non-single-family developments, calculate fire flow demand of the site and demonstrate to the Fire Chief. Demonstrate to the City Engineer how the system can meet the demand.*

**Staff Finding 18: Staff adopts the applicant's findings: "There is an existing 10" ductile iron water main in Salamo Road with adequate capacity to serve the proposed parcel and future development thereof. The engineer's memo on this topic is attached as Exhibit C."**

**The memo referenced was prepared by Amy Pepper, P.E., Senior Project Engineer for City of West Linn and is contained in Exhibit PD-1. This standard is met.**

**E. Sewer.**

1. *A plan prepared by a licensed engineer shall show how the proposal is consistent with the Sanitary Sewer Master Plan and subsequent updates and amendments. Agreement with that plan must demonstrate how the sanitary sewer proposal will be accomplished and how it is efficient. The sewer system must be in the correct zone.*  
(...)

**Staff Finding 19: Staff adopts the applicant's findings: "There is an existing 8" sanitary sewer main in Salamo Road with adequate capacity to serve the proposed development. The written statement of the City Engineer is attached as Exhibit C."**

**The memo referenced was prepared by Amy Pepper, P.E., Senior Project Engineer for City of West Linn and is contained in Exhibit PD-1. This standard is met.**

**F. Storm.** *A storm detention and treatment plan and narrative compliant with CDC 92.010(E) must be submitted for storm drainage and flood control including profiles of proposed drainageways with reference to the most recently adopted Storm Drainage Master Plan.*

**Staff Finding 20: Staff adopts the applicant's findings: "Stormwater quality and quantity controls will be installed upon future development to offset the impacts of all impervious**

**areas from the proposed future development. Sizing of those facilities will be part of future facility planning efforts.” This standard is met.**

#### 85.180 REDIVISION PLAN REQUIREMENT

*A redivision plan shall be required for a partition or subdivision, where the property could be developed at a higher density, under existing/proposed zoning, if all services were available and adequate to serve the use.*

(...)

**Staff Finding 21: Staff adopts the applicant’s findings: “The proposed new parcel will remain in public ownership and is not intended for residential development. Therefore, this provision is not applicable.” In addition, the proposed parcel is only partially zoned making the ultimate density standard indeterminable at this time. This standard does not apply.**

#### 85.200 APPROVAL CRITERIA

*No tentative subdivision or partition plan shall be approved unless adequate public facilities will be available to provide service to the partition or subdivision area prior to final plat approval and the Planning Commission or Planning Director, as applicable, finds that the following standards have been satisfied, or can be satisfied by condition of approval.*

##### A. Streets.

1. *General. The location, width and grade of streets shall be considered in their relation to existing and planned streets...Internal streets are the responsibility of the developer. All streets bordering the development site are to be developed by the developer with, typically, half-street improvements or to City standards prescribed by the City Engineer. Additional travel lanes may be required to be consistent with adjacent road widths or to be consistent with the adopted Transportation System Plan (TSP) and any adopted updated plans.*

2. *Right-of-way widths shall depend upon which classification of street is proposed. The right-of-way widths are established in the adopted TSP.*

3. *Street widths. Street widths shall depend upon which classification of street is proposed. The classifications and required cross sections are established in the adopted TSP...*

(...)

8. *Future extension of streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision...*

(...)

**Staff Finding 22: Staff incorporates the applicant’s findings: “The application is for creation of a new parcel, but does not include any construction or development on the site. The proposed new parcel will remain in public ownership and is not intended for residential development. Therefore, new streets will not be developed, and the subsections for this provision regarding new streets are not applicable. Access to the property in the future from Salamo Road will be via a driveway approach new the intersection of Greene Street and street improvements along Salamo will be made to minor arterial standards”. In addition to the applicant’s**

**findings, the provision of through streets is not possible due to existing residential development (Barrington Heights) and Interstate 205. These criteria do not apply.**

16. *Sidewalks.* Sidewalks shall be installed per CDC 92.010(H), Sidewalks. The residential sidewalk width is six feet plus planter strip as specified below. Sidewalks in commercial zones shall be constructed per subsection (A)(3) of this section. See also subsection C of this section. Sidewalk width may be reduced with City Engineer approval to the minimum amount (e.g., four feet wide) necessary to respond to site constraints such as grades, mature trees, rock outcroppings, etc., or to match existing sidewalks or right-of-way limitations..

17. *Planter strip.* The planter strip is between the curb and sidewalk providing space for a grassed or landscaped area and street trees. The planter strip shall be at least 6 feet wide to accommodate a fully matured tree without the boughs interfering with pedestrians on the sidewalk or vehicles along the curblines. Planter strip width may be reduced or eliminated, with City Engineer approval, when it cannot be corrected by site plan, to the minimum amount necessary to respond to site constraints such as grades, mature trees, rock outcroppings, etc., or in response to right-of-way limitations.

**Staff Finding 23: Upon future development, including the location and construction of a new access point, the city will be required to comply with this section along Salamo Road to minor arterial standards, including a 5.5-foot sidewalk and a 5 foot wide landscape buffer strip. Per staff finding 47, these criteria do not apply at this time.**

18. *Streets and roads shall be dedicated without any reservations or restrictions.*

**Staff Finding 24: Staff adopts the applicant's findings: "Upon future development, the City will be required to comply with this section, as to street improvements on Salamo Road to the minor arterial standards, which include a 60-foot right-of-way. The Salamo Road right-of-way currently varies in width, and any necessary dedications to provide the minimum 30-foot half-street width will be provided upon development of the new parcel." This criterion will be met at the time of future development.**

19. *All lots in a subdivision shall have access to a public street. Lots created by partition may have access to a public street via an access easement pursuant to the standards and limitations set forth for such accessways in Chapter 48 CDC.*

**Staff Finding 25: Staff adopts the applicant's findings for this standard:**

***"The proposed new parcel has frontage on Salamo Road, and a driveway to Salamo Road will be constructed upon development of the parcel as noted above. In the interim, access to Salamo Road will be across tax lot 5200, also owned by the city. No easement is required (nor would an easement be valid) because the properties will be under common, city ownership." This criterion is met.***

20. *Gated streets.* Gated streets are prohibited in all residential areas on both public and private streets. A driveway to an individual home may be gated.

21. Entryway treatments and street isle design...

**Staff Finding 26: Gated streets and entryway treatments are not proposed. These criteria do not apply.**

22. *Based upon the determination of the City Manager or the Manager's designee, the applicant shall construct or cause to be constructed, or contribute a proportionate share of the costs, for all necessary off-site improvements identified by the transportation analysis commissioned to address CDC 85.170(B)(2) that are required to mitigate impacts from the proposed subdivision...*

**Staff Finding 27: The proposal is not a subdivision. This criterion does not apply.**

*B. Blocks and Lots*

1. General. *The length, width, and shape of blocks shall be designed with due regard for the provision of adequate building sites for the use contemplated; consideration of the need for traffic safety, convenience, access, circulation, and control; and recognition of limitations and opportunities of topography and solar access.*

2. Sizes. *The recommended block size is 400 feet in length to encourage greater connectivity within the subdivision. Blocks shall not exceed 800 feet in length between street lines... Block sizes and proposed accesses must be consistent with the adopted TSP.*

3. Lot size and shape. *Lot or parcel size, width, shape, and orientation shall be appropriate for the location of the subdivision or partition... Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use proposed.*

4. Access. *Access to subdivisions, partitions, and lots shall conform to the provisions of Chapter 48 CDC, Access, Egress and Circulation.*

**Staff Finding 28: Staff adopts the applicant's findings for this standard: "The application is for creation of a new parcel, but does not include any construction or development of the site. The proposed new parcel will remain in public ownership and is not intended for residential development. Therefore, new blocks with lots are not proposed and will not be developed, and the subsections of this provision regarding new blocks and lots are not applicable." Additionally, existing development patterns preclude a new street connection across the subject property. These criteria do not apply.**

5. Double frontage lots and parcels. *Double frontage lots and parcels have frontage on a street at the front and rear property lines. Double frontage lots and parcels shall be avoided except where they are essential to provide separation of residential development from arterial streets or adjacent non-residential activities, or to overcome specific disadvantages of topography and orientation. A planting screen or impact mitigation easement at least 10 feet wide, and across which there shall be no right of access, may be required along the line of building sites abutting such a traffic artery or other incompatible use.*

**Staff Finding 29: The proposal does not create a double frontage lot. This criterion does not apply.**

6. Lot and parcel side lines. *The lines of lots and parcels, as far as is practicable, should run at right angles to the street upon which they face, except that on curved streets they should be radial to the curve.*

**Staff Finding 30: The proposed lot lines so far as practical run at right angles to Salamo Road and are largely determined by pre-existing lots along the Salamo Road frontage to the north and south. This criterion is met.**

7. Flag lots.

**Staff Finding 31: The proposal does not create a flag-lot. This criterion does not apply.**

8. *Large lots or parcels. In dividing tracts into large lots or parcels which, at some future time, are likely to be redivided, the approval authority may:*

a. *Require that the blocks be of such size and shape, and be so divided into building sites, and contain such easements and site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size; or*

b. *Alternately, in order to prevent further subdivision or partition of oversized and constrained lots or parcels, restrictions may be imposed on the subdivision or partition plat.*

**Staff Finding 32: See staff finding 28. These criteria are not applicable.**

C. *Pedestrian and bicycle trails.*

1. *Trails or multi-use pathways shall be installed, consistent and compatible with federal ADA requirements and with the Oregon Transportation Planning Rule, between subdivisions, cul-de-sacs, and streets that would otherwise not be connected by streets due to excessive grades, significant tree(s), and other constraints natural or human-made. Trails shall also accommodate bicycle or pedestrian traffic between neighborhoods and activity areas such as schools, libraries, parks, or commercial districts. Trails shall also be required where designated by the Parks Master Plan.*

(...)

**Staff Finding 33: Existing development patterns preclude the provision of a trail or multi-use pathway as the parcel will adjoin existing residential development that does not provide a through connection, or I-205 right of way. No trail connections are shown across the proposed parcel in the Parks Master Plan. This criterion does not apply.**

D. *Transit facilities.*

1. *The applicant shall consult with Tri-Met and the City Engineer to determine the appropriate location of transit stops, bus pullouts, future bus routes, etc., contiguous to or within the*

*development site. If transit service is planned to be provided within the next two years, then facilities such as pullouts shall be constructed per Tri-Met standards at the time of development. More elaborate facilities, like shelters, need only be built when service is existing or imminent. Additional rights-of-way may be required of developers to accommodate buses.*  
(...)

**Staff Finding 34: Staff adopts the applicant's findings: "There is no existing transit service, or service proposed within two years, along or near Salamo Road." This provision is not applicable.**

*E. Grading. Grading of building sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:*  
(...)

**Staff Finding 35: This application does not include any new buildings or other development, and no grading of the site is proposed or required. The provisions of this section are not applicable.**

*F. Water.*

- 1. A plan for domestic water supply lines or related water service facilities shall be prepared consistent with the adopted Comprehensive Water System Plan, plan update, March 1987, and subsequent superseding revisions or updates.*
- 2. Adequate location and sizing of the water lines.*
- 3. Adequate looping system of water lines to enhance water quality.*
- 4. For all non-single-family developments, there shall be a demonstration of adequate fire flow to serve the site.*
- 5. A written statement, signed by the City Engineer, that water service can be made available to the site by the construction of on-site and off-site improvements and that such water service has sufficient volume and pressure to serve the proposed development's domestic, commercial, industrial, and fire flows.*

**Staff Finding 36: Staff adopts the applicant's findings: "There is an existing 10" ductile iron water main in Salamo Road with adequate capacity to serve the proposed development. The written statement of the City Engineer is attached as Exhibit C." The referenced statement is included in Exhibit PD-1 of this decision. This criterion is met.**

*G. Sewer.*

- 1. A plan prepared by a licensed engineer shall show how the proposal is consistent with the current Sanitary Sewer Master Plan and subsequent updates and amendments applicable at the time the proposal is submitted. Agreement with that plan must demonstrate how the sanitary sewer proposal will be accomplished and how it is gravity-efficient. The sewer system must be in the correct basin and should allow for full gravity service.*
- 2. Sanitary sewer information will include plan view of the sanitary sewer lines, including manhole locations and depth or invert elevations.*

3. *Sanitary sewer lines shall be located in the public right-of-way, particularly the street, unless the applicant can demonstrate why the alternative location is necessary and meets accepted engineering standards.*
4. *Sanitary sewer line should be at a depth that can facilitate connection with down-system properties in an efficient manner.*
5. *The sanitary sewer line should be designed to minimize the amount of lineal feet in the system.*
6. *The sanitary sewer line shall avoid disturbance of wetland and drainageways. In those cases where that is unavoidable, disturbance shall be mitigated pursuant to Chapter 32 CDC, Water Resource Area Protection, all trees replaced, and proper permits obtained. Dual sewer lines may be required so the drainageway is not disturbed.*
7. *Sanitary sewer shall be extended or stubbed out to the next developable subdivision or a point in the street that allows for reasonable connection with adjacent or nearby properties.*
8. *The sanitary sewer system shall be built pursuant to DEQ, City, and Tri-City Service District sewer standards. The design of the sewer system should be prepared by a licensed engineer, and the applicant must be able to demonstrate the ability to satisfy these submittal requirements or standards at the pre-construction phase.*
9. *A written statement, signed by the City Engineer, that sanitary sewers with sufficient capacity to serve the proposed development and that adequate sewage treatment plant capacity is available to the City to serve the proposed development.*

**Staff Finding 37: Staff adopts the applicant’s findings: “There is an existing 8” sanitary sewer main in Salamo Road with adequate capacity to serve the proposed development. The written statement of the City Engineer is attached as Exhibit C.” The referenced statement is included in Exhibit PD-1 of this decision. This criterion is met.**

*H. Storm detention and treatment. All proposed storm detention and treatment facilities comply with the standards for the improvement of public and private drainage systems located in the West Linn Public Works Design Standards, there will be no adverse off-site impacts caused by the development (including impacts from increased intensity of runoff downstream or constrictions causing ponding upstream), and there is sufficient factual data to support the conclusions of the submitted plan.*

**Staff Finding 38: Staff adopts the applicant’s findings: “Stormwater quality and quantity controls will be installed upon future development to offset the impacts of all impervious areas from the proposed future development. Sizing of those facilities will be part of future facility planning efforts.” This criterion is met.**

*I. Utility Easements. Subdivisions and partitions shall establish utility easements to accommodate the required service providers as determined by the City Engineer. The developer of the subdivision shall make accommodation for cable television wire in all utility trenches and easements so that cable can fully serve the subdivision.*

**Staff Finding 39:** Staff adopts the applicant’s findings: *“The proposed new parcel is adjacent to I-205, which precludes extension of most utilities across the site. Therefore, no new utility easements will be created on the proposed parcel, and this provision is not applicable. Due to city ownership, any easements in favor of the city are not needed.”* This criterion is met.

*J. Supplemental Provisions*

1. *Wetland and Natural Drainage Ways.* *Wetlands and natural drainageways shall be protected as required by Chapter 32 CDC, Water Resource Area Protection. Utilities may be routed through the protected corridor as a last resort, but impact mitigation is required.*

**Staff Finding 40:** The West Linn Local Wetland Inventory does not indicate the presence of wetlands on the site, but the adopted West Linn Water Resource Area Map indicates the site is traversed by Bernert Creek at the southwest corner. As discussed in Staff Finding 3, no development is proposed at this time, therefore Chapter 32 is not applicable. Future development on the proposed parcel will be subject to CDC Chapter 32 and compliance will be ensured through a separate development application. This criterion does not apply.

2. *Willamette and Tualatin Greenways.* *The Willamette and Tualatin River Greenways shall be protected as required by Chapter 28 CDC, Willamette and Tualatin River Protection.*

**Staff Finding 41:** The Willamette and Tualatin River Greenways do not extend onto the proposed parcel. This criterion does not apply.

3. *Street trees.* *Street trees are required as identified in the appropriate section of the municipal code and Chapter 54 CDC.*

4. *Lighting.* *All subdivision or alley lights shall meet West Linn Public Works Design Standards.*

**Staff Finding 42:** Street trees and lighting will be provided upon the future development of the parcel, including the construction of site access and frontage improvements consistent with minor arterial street standards. This standard is not applicable.

5. *Dedications and exactions.*

*The City may require an applicant to dedicate land and/or construct a public improvement that provides a benefit to property or persons outside the property that is the subject of the application when the exaction is roughly proportional. No exaction shall be imposed unless supported by a determination that the exaction is roughly proportional to the impact of development.*

**Staff Finding 43:** Staff adopts the applicant’s findings: *“Upon future development, the City will be required to comply with this section as to street improvements on Salamo Road to the minor arterial standards, which include a 60-foot right-of-way. The Salamo Road right-of-way currently varies in width, and any necessary dedications to provide the minimum 30-foot half street width will be provided upon development of the new parcel.”* The current proposal will not create impacts to existing off-site facilities that would trigger the need for additional



**improvements. The City's sanitary sewer and water systems have sufficient capacity to serve the site. The criteria is met.**

*6. Underground utilities.*

*All utilities, such as electrical, telephone, and television cable, that may at times be above ground or overhead shall be buried underground in the case of new development. The exception would be in those cases where the area is substantially built out and adjacent properties have above-ground utilities and where the development site's frontage is under 200 feet and the site is less than one acre. High voltage transmission lines, as classified by Portland General Electric or electric service provider, would also be exempted. Where adjacent future development is expected or imminent, conduits may be required at the direction of the City Engineer. All services shall be underground with the exception of standard above-grade equipment such as some meters, etc.*

**Staff Finding 44: The subject property will result in over 200 linear feet of frontage and is over one acre in size. Condition of Approval No. 2 has been added requiring the undergrounding of overhead utilities along the Salamo Road frontage at the time of future development. As conditioned, this standard will be met.**

*7. Density requirement. Density shall occur at 70 percent or more of the maximum density allowed by the underlying zoning. These provisions would not apply when density is transferred from Type I and II lands as defined in CDC 02.030. Development of Type I or II lands are exempt from these provisions. Land divisions of three lots or less would also be exempt.*

**Staff Finding 45: As discussed in Staff Finding 21, the proposed parcel is only partly zoned making the ultimate density standard indeterminable at this time. Future development of the parcel is not anticipated to be residential in nature, and compliance with density standards will be ensured through future development applications that are likely to include a comprehensive and zoning map amendment. Therefore, this criterion is not applicable at this time.**

*9. Heritage trees/significant tree and tree cluster protection.*

*All heritage trees, as defined in the Municipal Code, shall be saved. Diseased heritage trees, as determined by the City Arborist, may be removed at his/her direction. All non-heritage trees and clusters of trees (three or more trees with overlapping drip line; however, native oaks need not have an overlapping drip line) that are considered significant by virtue of their size, type, location, health, or numbers shall be saved pursuant to CDC 55.100(B)(2). Trees are defined per the municipal code as having a trunk six inches in diameter or 19 inches in circumference at a point five feet above the mean ground level at the base of the trunk.*

**Staff Finding 46: As no development is proposed at this time, the City Arborist has determined that no significant trees or tree clusters will be impacted by the project. This criterion is not applicable.**

CHAPTER 92 REQUIRED IMPROVEMENTS

92.020 IMPROVEMENTS IN PARTITIONS

*The same improvements shall be installed to serve each lot of a partition as are required of a subdivision. However, if the approval authority finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, at the written request of the applicant those improvements may be waived. If the street improvement requirements are waived, the applicant shall pay an in-lieu fee for off-site street improvements, pursuant to the provisions of CDC 85.200(A)(1).*

*In lieu of accepting an improvement, the Planning Director may recommend to the City Council that the improvement be installed in the area under special assessment financing or other facility extension policies of the City.*

**Staff Finding 47: The request is to create a single legal lot of record from existing ODOT right of way in order to facilitate a surplus property transfer, and is not increasing the development capacity of the site or proposing new development at this time. Public improvements required by CDC 92 will be provided at the time of future development. This criterion is not applicable at this time.**

**PD-1 APPLICANT SUBMITTAL**

## DEVELOPMENT REVIEW APPLICATION

For Office Use Only			
STAFF CONTACT	JOHN FLOYD	PROJECT NO(S).	MIP-21-03
		PRE-APPLICATION NO. <b>PA-21-17</b>	
NON-REFUNDABLE FEE(S)	REFUNDABLE DEPOSIT(S)	TOTAL	<b>\$0</b>

**Type of Review** (Please check all that apply):

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Annexation (ANX)                      | <input type="checkbox"/> Historic Review   | <input type="checkbox"/> Subdivision (SUB)                               |
| <input type="checkbox"/> Appeal and Review (AP)                | <input type="checkbox"/> Legislative Plan or Change                                  | <input type="checkbox"/> Temporary Uses                                  |
| <input type="checkbox"/> Conditional Use (CUP)                 | <input type="checkbox"/> Lot Line Adjustment (LLA)                                   | <input type="checkbox"/> Time Extension                                  |
| <input type="checkbox"/> Design Review (DR)                    | <input checked="" type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan) | <input type="checkbox"/> Variance (VAR)                                  |
| <input type="checkbox"/> Easement Vacation                     | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures                      | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Extraterritorial Ext. of Utilities    | <input type="checkbox"/> Planned Unit Development (PUD)                              | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP)    |
| <input type="checkbox"/> Final Plat or Plan (FP)               | <input type="checkbox"/> Pre-Application Conference (PA)                             | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG)      |
| <input type="checkbox"/> Flood Management Area                 | <input type="checkbox"/> Street Vacation   | <input type="checkbox"/> Zone Change                                     |
| <input type="checkbox"/> Hillside Protection & Erosion Control |  |  |

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different or additional application forms, available on the City website or at City Hall.

<b>Site Location/Address:</b>	Assessor's Map No.: 2019-040
S.E 1/4 SECTION 35 AND S.W. 1/4 SECTION 36, T.2S, R.1E, W.M. CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON	Tax Lot(s):
	Total Land Area: 1,436,402'


**Brief Description of Proposal:**

FOR CREATION OF ONE ADDITIONAL TAXLOT AT THE ABOVE LOCATION.

<b>Applicant Name:</b> CASEY THOMPSON <small>(please print)</small> Address: 22500 SALAMO ROAD City State Zip: WEST LINN, OR 97068	Phone: 503-722-3435 Email: cthompson@westlinnoregon.gov
<b>Owner Name</b> (required): ODOT PROPERTY MANAGEMENT <small>(please print)</small> Address: 4040 FAIRVIEW INDUSTRIAL DRIVE SE, MS#2 City State Zip: SALEM, OR 97302-1142	Phone: Email:
<b>Consultant Name:</b> CENTERLINE CONCEPTS <small>(please print)</small> Address: 19376 MOLALLA AVE, STE. 120 City State Zip: OREGON CITY, OR 97045	Phone: 503-650-0188 Email:

1. All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
2. The owner/applicant or their representative should be present at all public hearings.
3. A decision may be reversed on appeal. The permit approval will not be effective until the appeal period has expired.
4. The City accepts electronic (.pdf) land use applications and project submissions from applicants. Applicants should submit this form and supporting documents through the [Submit a Land Use Application](https://westlinnoregon.gov/planning/submit-land-use-application) web page:  
<https://westlinnoregon.gov/planning/submit-land-use-application>

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

 Applicant's signature	12/02/21 Date	See Attached Contract Owner's signature (required)	Date
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**ODOT Property Acquisition  
Minor Partition  
December 1, 2021**

**APPLICATION SUMMARY**

For approval of a one parcel minor partition of surplus land within the I-205 right-of-way that is owned by the Oregon Department of Transportation.

**GENERAL INFORMATION**

**Location**

S.E. ¼ SECTION 35 AND S.W. ¼ SECTION 36, T.2S, R.1E, W.M.  
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON

**Comprehensive Plan and Zoning Designations**

The Comprehensive Plan designation is Low Density Residential.  
Consistent with the Comprehensive plan, the property is zoned Single Family Residential Detached (R-10).

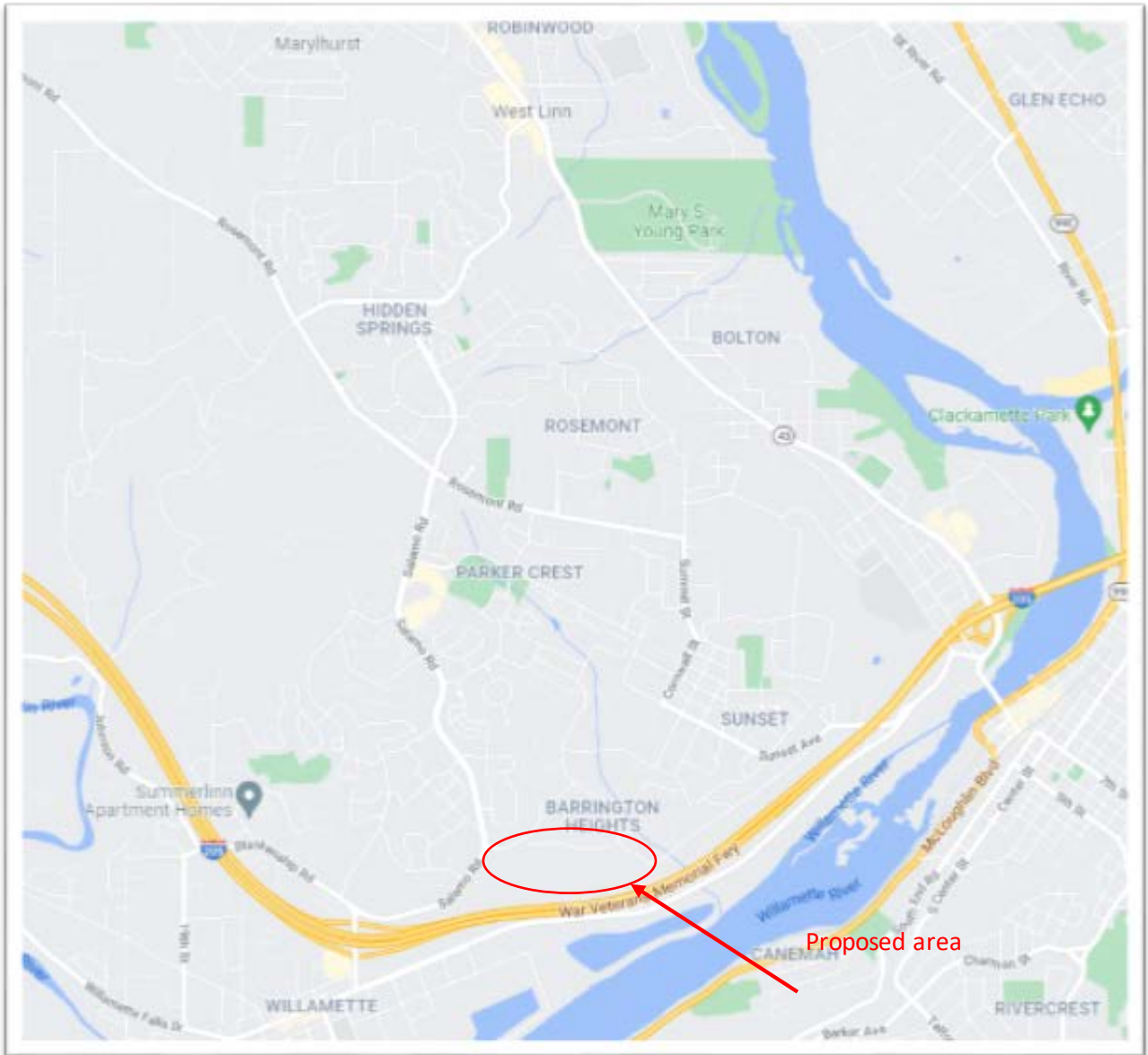
**Property Owner**

ODOT Property Management  
4040 Fairview Industrial Drive SE, MS#2  
Salem, OR 97302-1142

**Applicant's Surveyor**

Centerline Concepts  
19376 Molalla Ave, Ste. 120  
Oregon City, OR 97045  
503-650-0188

Figure 1: City-Wide Map





**Figure 2: Vicinity Map**



## **BACKGROUND INFORMATION**

### **Site Description**

The proposed parcel is undeveloped with the property measuring 1,436,402 square feet (32.9753 acres), with frontage on Solamo Road. The property is currently owned by the Oregon Department of Transportation. The City of West Linn is purchasing this land for the future development of a city operations facility.

### **Vicinity Information**

The zoning designations and current land use of the surrounding area to the west, north and east is Single Family Residential, R-10. To the south is I-205.

## **PROPOSED MINOR PARTITION**

This request to create a one-lot minor partition will enable future development by the city for uses not directly related to maintenance of the I-205 right-of-way. West Linn Community Development Code (CDC) Chapters 11, 32, 48, 85, 92, 99 allow for an application, such as this minor partition. The criteria are addressed below. This one-lot partition will not require the extension or improvement of streets, or prompt the need to supplemental utilities. The proposed partition plat is shown as Exhibit A.

## Chapter 11: Single-Family Residential detached, R-10

### 11.060 Conditional Uses

Response: Future use of the property falls under conditional uses; however, this application does not request a conditional use approval for any specific use. Section 11.060 does not apply.

### 11.070 Dimensional Requirements

*Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:*

1. The minimum lot size shall be 10,000 square feet for a single-family detached unit.

Response: *The proposed parcel is 1,436,402 square feet, which exceeds the minimum requirement.*

2. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.

Response: *The survey demonstrates the proposed parcel will have 653.83 feet of frontage on Salamo Road, which exceeds the minimum requirement.*

3. The average minimum lot width shall be 50 feet.

Response: *The survey demonstrates the proposed parcel is variable in width, and will have an average width of approximately 500 feet, which exceeds the minimum requirement.*

4. Repealed by Ord. 1622.

- 5-10. Except as specified in CDC 25.070(C)(1) through (4) for the Willamette Historic District, the minimum yard dimensions or minimum building setback area from the lot line shall be:

Response: *No buildings or structures are proposed, so these standards do not apply.*

### 11.090 Other Applicable Development Standards

Response: *Applicant is looking to create a legal lot of record from existing surplus ODOT property, which is used as right-of-way. No changes to the site are proposed, such as "the construction of buildings or other structures, mining, dredging, paving, filling, grading or site clearing, and grubbing in amounts greater than 10 cubic yards" and therefore, the application is*



*not classified as “development”. All new development and future uses of the property will require a new, future land use application.*

### **Chapter 32: Water Resource Area Protection (For Building)**

*Response: This chapter is applicable as a mapped stream lies within the project boundary. Applicant is looking to create a legal lot of record from surplus ODOT property used as right-of-way. All new development and future uses of the property will require a new land use application.*

### **Chapter 48: Access, Egress and Circulation**

*Response: Applicant is looking to create a legal lot of record from surplus ODOT property. All future new development and uses of the property will require a new land use application.*

### **Chapter 85: General Provisions, Land Division**

#### **85.020 Scope – Conformity Required**

B. No person shall subdivide or create a partition except in conformity with the provisions of this code and Chapter 92 ORS. Chapter 92 ORS states that all partitions and subdivisions of land require a final plat to be prepared by a registered professional land surveyor; all corners must be monumented, the partition or subdivision plat must be approved by the City and County surveyor, as appropriate, and recorded with the County recorder.

*Response: This plan will conform to the code provisions in ORS Chapter 92 upon approval from the City of West Linn and recording with the county.*

#### **85.170 Supplemental Submittal Requirements for Tentative Subdivision or Partition Plan**

The following information shall be submitted to supplement the tentative subdivision plan:

##### **A. General**

1. Narrative stating how the plan meets each of the applicable approval criteria and each subsection below.

*Response: This document is the narrative that explains conformance with the applicable code provisions.*

2. Statement or affidavit of ownership of the tract (County Assessor’s map and tax lot number).

Response: *The property is part of the I-205 right-of-way, which is owned by ODOT in fee simple.*

3. A legal description of the tract.

Response: *The metes and bounds legal description of the proposed new parcel is provided as Exhibit A.*

4. If the project is intended to be phased, then such a proposal shall be submitted at this time with drawing and explanation as to when each phase will occur and which lots will be in each phase.

Response: *This is not a phased project, so this provision is not applicable.*

5. Where the land to be subdivided or partitioned contains only a part of the contiguous land owned by the developer, the Commission or Planning Director, as applicable, shall require a master plan of the remaining portion illustrating how the remainder of the property may suitably be subdivided.

Response: *The remainder of the property is the I-205 right-of-way, which is not zoned and therefore not suitable for future subdivision, so this provision is not applicable.*

6. Where the proposed subdivision site includes hillsides, as defined in CDC 02.030 Type I and II lands, or any lands identified as a hazard site in the West Linn Comprehensive Inventory Plan Report, the requirements for erosion control as described in CDC 85.160(F)(2) shall be addressed in a narrative.

Response: *No construction is proposed for the property, and therefore the erosion control provisions are not applicable.*

7. Table and calculations showing the allowable number of lots under the zone and how many lots are proposed.

Response: *The property will remain in public ownership, and not be subdivided for residential purposes, and therefore this provision is not applicable.*

8. Map and table showing square footage of site comprising slopes by various classifications as identified in CDC 55.110(B)(3).

Response: *Applicant is looking to create a legal lot of record from surplus ODOT property. All future new development and uses of the property will require a new land use application.*

## B. Transportation

*Response: A traffic impact analysis is required when there is a change in the existing traffic conditions, such as an increase of 250 or more daily trips. This application is only for creation of a new parcel and does not include any new access driveways, or development that will generate new vehicle trips. Therefore, a traffic impact analysis is not required.*

## C. Grading

*Response: Grading is not proposed with this application, and therefore this provision is not applicable.*

## D. Water

*Response: There is an existing 10" ductile iron water main in Salamo Road with adequate capacity to serve the proposed parcel and future development thereof. The engineer's memo on this topic is attached as Exhibit C.*

## E. Sewer

*Response: There is an existing 8" sanitary sewer main in Salamo Road with adequate capacity to serve the proposed parcel and future development thereof. The engineer's memo on this topic is attached as Exhibit C.*

## F. Stormwater

*Response: This application is for creation of a new parcel, but does not include any construction or development on the site. Stormwater plans will be provided when new development is proposed.*

## 85.180 Redivision Plan Requirement

*Response: The proposed new parcel will remain in public ownership and is not intended for residential development. Therefore, this provision is not applicable.*

## 85.190 Additional Information Required and Waiver of Requirements

*Response: The applicant proposes to create a new parcel, and does not propose any construction or development of that parcel. It therefore requests a waiver of any requirements that are not directly related to the new parcel creation and boundary. The other requirements can be applied at a later stage when an application proposes any development of, or construction on the new parcel.*

## 85.200 Approval Criteria

### A. Streets

#### 1. General

*Response: This application is for creation of a new parcel, but does not include any construction or development on the site. The proposed new parcel will remain in public ownership and is not intended for residential development. Therefore, new streets will not be developed, and the subsections of this provision regarding new streets are not applicable. Access to the property in the future from Salamo Road will be via a driveway approach near the intersection of Greene Street. With the future development plans, when funding is available, the City will be required to comply with this section, as to street improvements to the minor arterial standards (WL-RD0010).*

#### 16. Sidewalks

*Response: Upon future development, the City will be required comply with this section, as to street improvements on Salamo Road to the minor arterial standards, which include a 5.5-foot wide sidewalk.*

#### 17. Planter Strip

*Response: Upon future development, the City will be required to comply with this section, as to street improvements on Salamo Road to the minor arterial standards, which include a 5-foot wide landscape buffer strip.*

#### 18. Dedications

*Response: Upon future development, the City will be required to comply with this section, as to street improvements on Salamo Road to the minor arterial standards, which include a 60-foot wide right-of-way. The Salamo Road right-of-way currently varies in width, and any necessary dedications to provide the minimum 30-foot half street width will be provided upon development of the new parcel.*

#### 19. Public Road Access

*Response: The proposed new parcel has frontage on Salamo Road, and a driveway to Salamo Road will be constructed upon development of the parcel as noted above. In the interim, access to Salamo Road will be across tax lot 5200, also owned by the city. No easement is required (nor would an easement be valid) because the properties will be under common, city, ownership.*

#### B. Blocks and Lots

*Response: This application is for creation of a new parcel, but does not include any construction or development on the site. The proposed new parcel will remain in public ownership and is not intended for residential development. Therefore, new blocks with lots are not proposed and will not be developed, and the subsections of this provision regarding new blocks and lots are not applicable.*

#### C. Pedestrian and Bicycle Trails

*Response: The proposed new parcel is adjacent to I-205, which prohibits a direct connection with any pedestrian or bicycle trails. Therefore, no new trails will be created on the proposed parcel, and this provision is not applicable.*

#### D. Transit facilities

*Response: There is no existing transit service, or proposed within two years, along or near Salamo Road. Therefore, this provision is not applicable.*

#### E. Grading

*Response: This application does not include any new buildings or other development, and therefore no grading of the site is proposed. Therefore, this provision is not applicable.*

#### F. Water

*Response: There is an existing 10" ductile iron water main in Salamo Road with adequate capacity and fire flow to serve the proposed future development. The written statement of the City Engineer is attached as Exhibit C.*

#### G. Sewer

*Response: There is an existing 8" sanitary sewer main in Salamo Road with adequate capacity to serve the proposed future development. The written statement of the City Engineer is attached as Exhibit C.*

#### H. Storm detention and treatment

*Response: Stormwater quality and quantity controls will be installed upon future development to offset the impacts of all impervious areas from the proposed future development. Sizing of those facilities will be part of future facility planning efforts.*

## I. Utility easements

Response: *The proposed new parcel is adjacent to I-205, which precludes extension of most utilities across the site. Therefore, no new utility easements will be created on the proposed parcel, and this provision is not applicable. Due to city ownership, any easements in favor of the city are not needed.*

## J. Supplemental Provisions

### 1. Wetland and natural Drainage Ways

Response: *There are no identified wetlands or natural drainageways on the proposed new parcel, so this provision is not applicable.*

### 2. Willamette and Tualatin Greenways

Response: *The site is not within a greenway and this provision is not applicable.*

### 3. Street Trees

Response: *Street trees will be provided along the Salamo road frontage consistent with the standard requirements for a minor arterial upon development of the new parcel.*

### 4. Lighting

Response: *Street lights will be provided along the Salamo road frontage consistent with the standard requirements for a minor arterial upon development of the new parcel.*

### 5. Dedications and Exactions

Response: *Upon future development, the City will be required to comply with this section as to street improvements on Salamo Road to the minor arterial standards, which include a 60-foot wide right-of-way. The Salamo Road right-of-way currently varies in width, and any necessary dedications to provide the minimum 30-foot half street width will be provided upon development of the new parcel.*

### 6. Underground Utilities

Response: *Upon future development, the utilities required to serve the development will be buried underground.*

7. Density Requirement

*Response: Land divisions of three lots or less are exempt from this provision, which therefore does not apply to this partition to create one new parcel.*

8. Mix Requirement

*Response: This provision applies to residential development, which is not proposed. Therefore the provision is not applicable.*

9. Heritage Trees/Significant Tree and Tree Cluster Protection

*Response: There are no heritage trees on the proposed new parcel, although there are clusters of trees, including trees that are larger than 6 inches DBH that are considered significant. The majority of these trees are located on steep slopes in areas that will not be developed.*

CDC 5.100(B)(2)(e) and (f) recognize that arterial street improvements and grading for streets may require tree removal. In the event of tree removal, mitigation will be provided consistent with CDC 5.100(B)(2)(f).

**Chapter 92: Required Improvements**

*Response: Applicant is looking to create a legal lot of record from existing ODOT right-of-way. All future uses of the property will require a new land use application.*

**Chapter 99: Procedures for Decision Making: Quasi-Judicial**

99.030 Application Process: Who May Apply, Pre-Application Conference, Requirements, Refusal of Application, Fees

A. Who May Apply

*Response: This application is submitted by the purchaser, who will submit a duly executed agreement with ODOT, the property owner, authorizing purchaser to submit the application.*

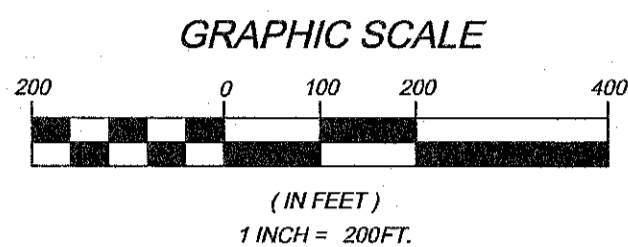
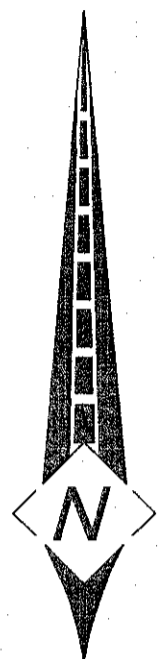
**EXHIBIT A**  
**MINOR PARTITION SURVEY**



# RECORD OF SURVEY

A TRACT OF LAND LOCATED IN THE  
 S.E. 1/4 SECTION 35 AND S.W. 1/4 SECTION 36,  
 T.2S., R.1E., W.M.  
 CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON  
 MAY 19, 2020 SCALE 1"=200'  
 SHEET 1 OF 2

SURVEY PERFORMED FOR: O.D.O.T.



## LEGEND:

- SET MONUMENT AS NOTED IN SET MONUMENT TABLE ON SHEET 2, SET ON \_\_\_\_\_ 2020
- FOUND MONUMENT AS NOTED
- ( ) = RECORD DISTANCES & BEARINGS
- IR = IRON ROD IP = IRON PIPE
- FD = FOUND W/ = WITH
- YPC = YELLOW PLASTIC CAP
- RPC = RED PLASTIC CAP
- RWP = RIGHT OF WAY PADDLE
- TAB = TIED AT BASE
- [C] = CALCULATED DISTANCES
- OU = ORIGIN UNKNOWN
- R/W = RIGHT OF WAY
- DOCUMENT NO. = DEED DOCUMENT NUMBER, CLACKAMAS COUNTY DEED RECORDS
- SN = SURVEY NUMBER, CLACKAMAS COUNTY SURVEYOR'S OFFICE
- S1 = SN 1971-024
- S2 = SN 17289
- S3 = SN 27477
- S4 = SN 2003-346
- S5 = SN 2019-040
- S6 = SN 22282
- S7 = SN 1979-015
- D1 = DOCUMENT NO. 72-25131
- D2 = DOCUMENT NO. 78-51018
- P1 = "BARRINGTON HEIGHTS PHASE I" PLAT NO. 2694
- P2 = "BARRINGTON HEIGHTS PHASE II" PLAT NO. 2751
- P3 = "BARRINGTON HEIGHTS 8" PLAT NO. 3055

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- 4WF = 4' WIRE FENCE
- 5WF = 5' WIRE FENCE
- 6WDF = 6' WOOD FENCE
- 4CLF = 4' CHAINLINK FENCE
- 5CLF = 5' CHAINLINK FENCE
- 4IF = 4' IRON FENCE
- 6IF = 6' IRON FENCE
- SOL = SOUTH OF LINE
- NOL = NORTH OF LINE
- NB = NORTHBOUND
- SB = SOUTHBOUND
- TC = TRUE CORNER STATION/OFFSET

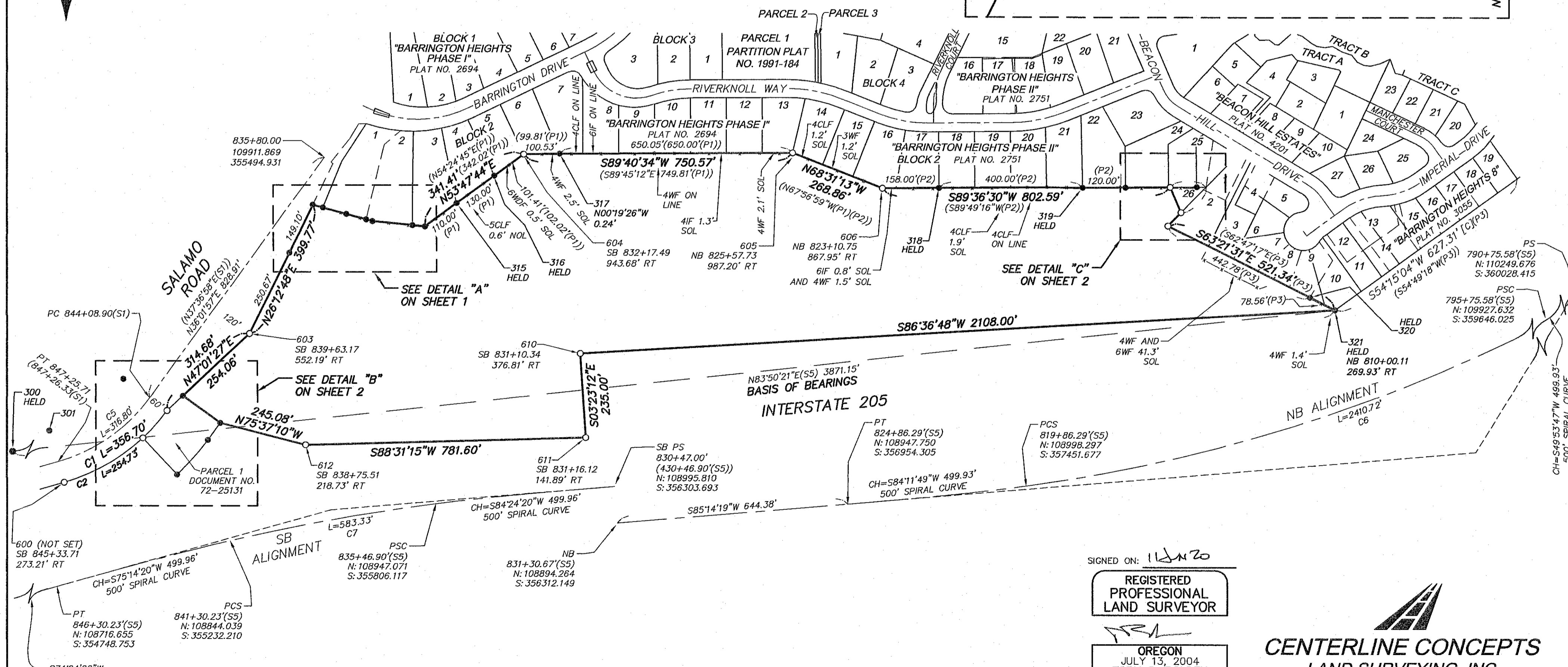
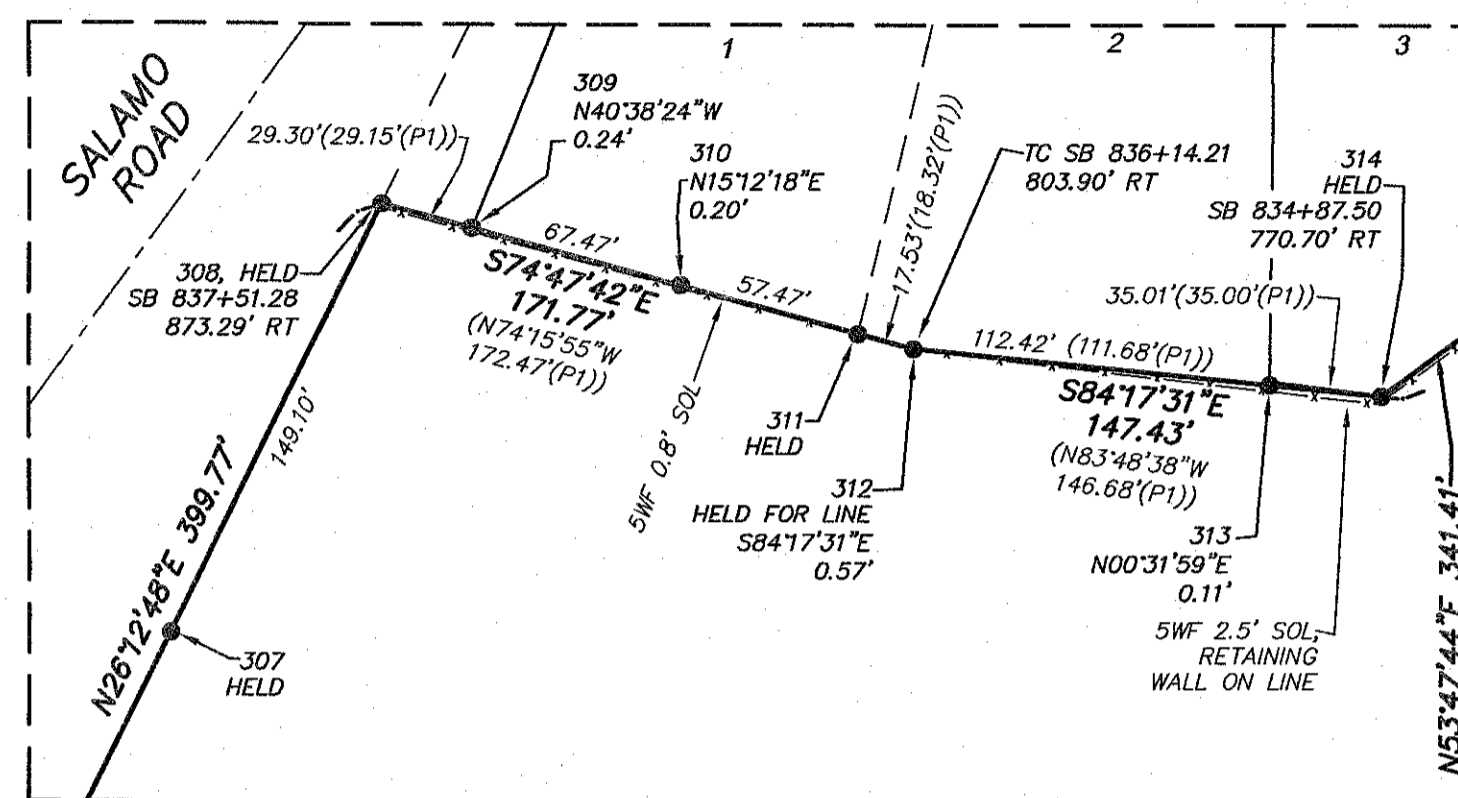
CLACKAMAS COUNTY SURVEYOR

RECEIVED: \_\_\_\_\_

ACCEPTED FOR FILING: \_\_\_\_\_

SURVEY NUMBER: \_\_\_\_\_

DETAIL "A"  
 SCALE 1"=60'



SIGNED ON: 11/20/20  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 OREGON  
 JULY 13, 2004  
 TOBY G. BOLDEN  
 60377LS  
 RENEWS: DECEMBER 31, 2021

**CENTERLINE CONCEPTS**  
 LAND SURVEYING, INC.  
 19376 MOLALLA AVE., SUITE 120  
 OREGON CITY, OREGON 97045  
 PHONE 503.650.0188 FAX 503.650.0189

# RECORD OF SURVEY

A TRACT OF LAND LOCATED IN THE  
S.E. 1/4 SECTION 35 AND S.W. 1/4 SECTION 36,,  
T.2S., R.1E., W.M.  
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON  
MAY 19, 2020  
SHEET 2 OF 2

SURVEY PERFORMED FOR: O.D.O.T.

CLACKAMAS COUNTY SURVEYOR

RECEIVED: \_\_\_\_\_

ACCEPTED FOR FILING: \_\_\_\_\_

SURVEY NUMBER: \_\_\_\_\_

## NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO MONUMENT THE NORTHERN MOST BOUNDARY OF ODOT PROPERTY ALONG THE NORTHERLY SIDE OF I-205, BETWEEN THE SOUTHERN MOST CORNER OF THE PLAT OF BARRINGTON HEIGHTS 8, PLAT NO. 2751, TO THE EAST, AND THE SOUTHERLY RIGHT OF WAY OF SALAMO ROAD TO THE WEST.

FOR MY BASIS OF BEARINGS, I HELD NORTH 83°50'21" EAST BETWEEN FOUND MONUMENTS 300 AND 321, PER SURVEY NO. 2019-040. SAID SURVEY WAS PERFORMED ON BEHALF OF ODOT FOR THE PURPOSE OF RETRACING THE RIGHT OF WAY AND ALIGNMENT OF I-205 IN THIS AREA. I HELD FOUND MONUMENTS 300, 321, AND 302, AND RECORD ALIGNMENT, STATION AND OFFSET DATA, AND COORDINATE DATA PER SAID SURVEY TO RETRACE THE SOUTHBOUND AND NORTHBOUND ALIGNMENTS OF I-205, AS WELL AS THE CENTERLINE ALIGNMENT OF SALAMO ROAD. I HELD RECORD STATION AND OFFSET DATA ALONG THE ALIGNMENT OF SALAMO ROAD TO ESTABLISH THE SOUTHEASTERLY RIGHT OF WAY THEREOF, PER SURVEY NO. 1971-024, BEING ODOT DRAWING NO. 9B-1-6, DATED DECEMBER 1967.

THE NORTHERLY LINE OF THE ODOT PROPERTY IN THIS AREA IS DEFINED BY THE SOUTHERLY LINES OF THE PLATS OF "BARRINGTON HEIGHTS 1", PLAT NO. 2694, "BARRINGTON HEIGHTS 2", PLAT NO. 2751, AND SAID PLAT OF "BARRINGTON HEIGHTS 8".

FOR THE WESTERLY SEGMENT OF THE SOUTHERLY LINE OF SAID PLAT OF "BARRINGTON HEIGHTS 1", I HELD FOUND MONUMENTS 308, 311, 312, 314, 315, AND 316.

FOR THE SOUTHERLY LINE OF SAID PLAT OF "BARRINGTON HEIGHTS 2", I HELD FOUND MONUMENTS 324, 319, AND 318, AND RECORD PLAT BEARINGS AND DISTANCES PER SAID PLAT. I THEN HELD FOUND MONUMENTS 321 AND 320 AND RECORD PLAT BEARINGS AND DISTANCES FOR THE SOUTHWESTERLY LINE OF SAID PLAT OF "BARRINGTON HEIGHTS 8", PER SAID PLAT.

FOR THE BOUNDARIES OF THAT TRACT OF LAND CONVEYED TO THE CITY OF WEST LINN AND DESCRIBED AS PARCEL 1 IN DEED RECORDED AS DOCUMENT NO. 72-25131, I HELD FOUND MONUMENTS 306, 305, 304, AND 303, AND RECORD DEED DATA PER SAID DEED AND SURVEY NO. 1971-024, BEING ODOT DRAWING NO. 9B-1-6.

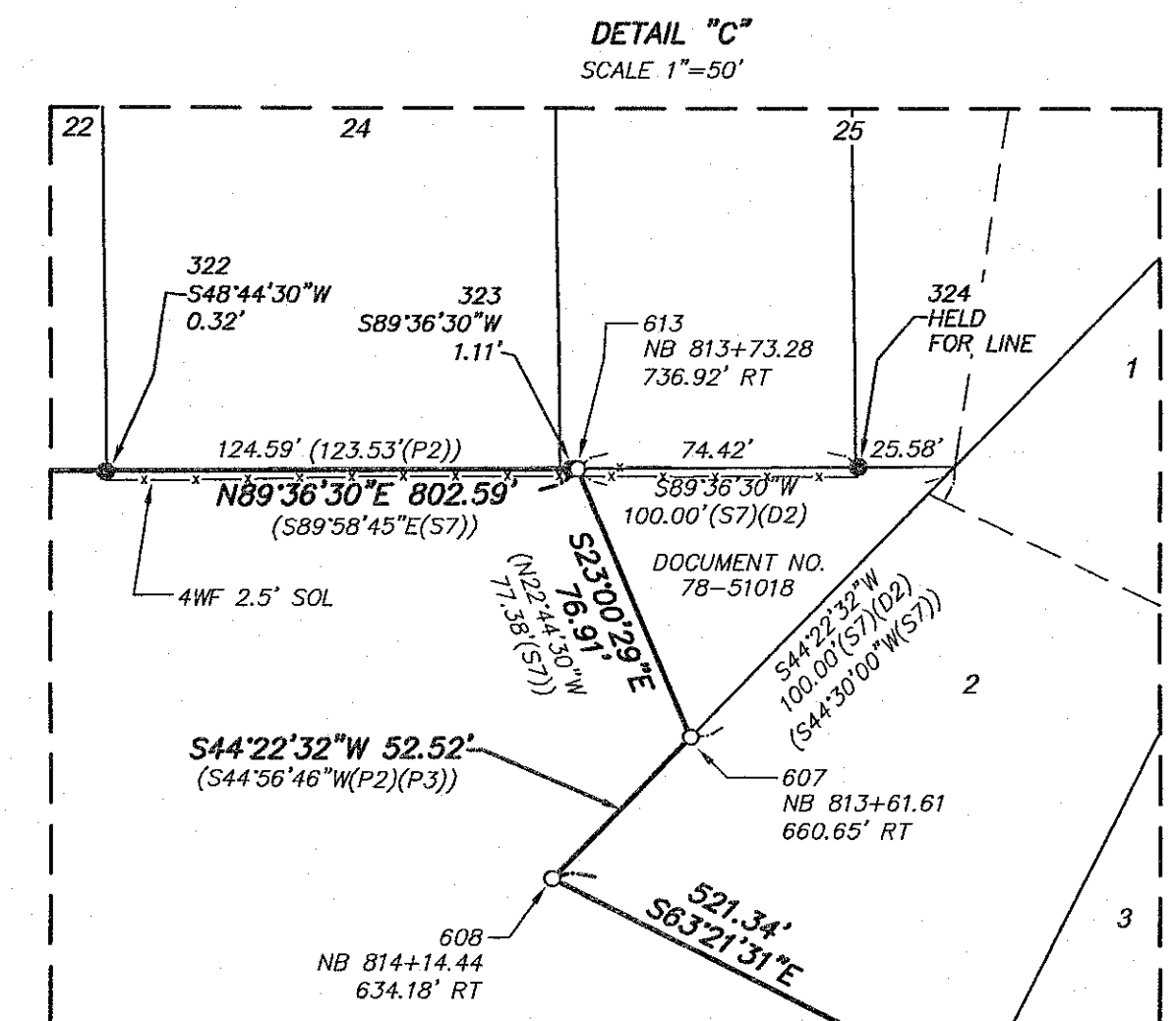
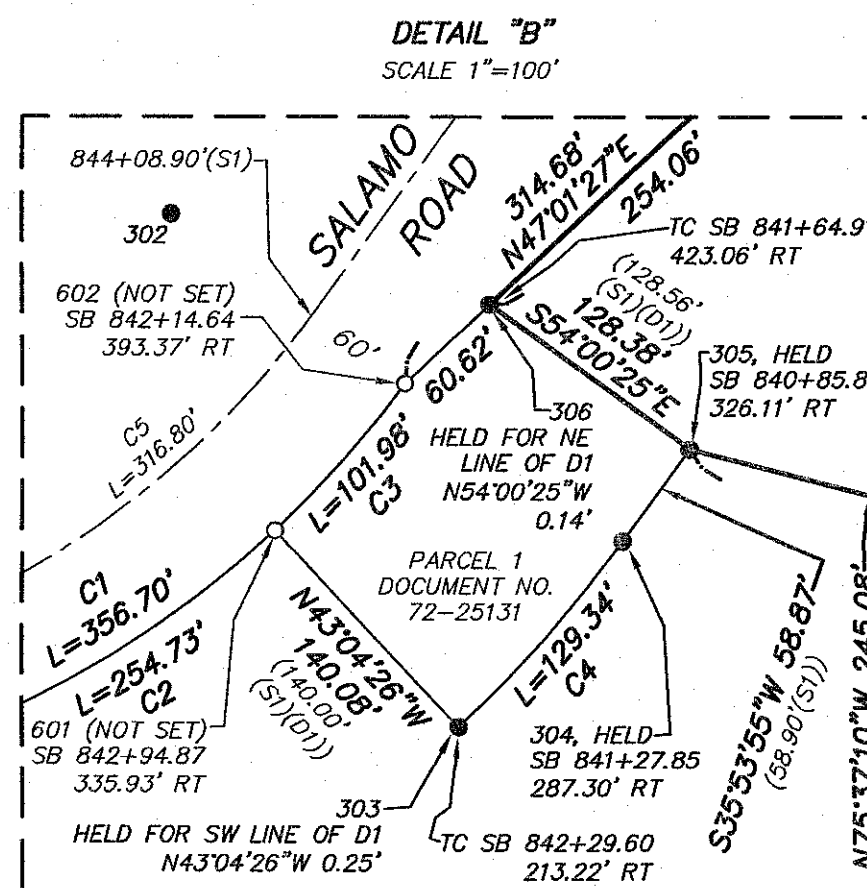
FOR THE BOUNDARIES OF THAT TRACT OF LAND CONVEYED BY DEED RECORDED IN DOCUMENT NO. 78-51018, I HELD RECORD DEED DISTANCES FROM THE SOUTHERLY AND WESTERLY BOUNDARIES OF SAID PLATS OF "BARRINGTON HEIGHTS 2" AND "BARRINGTON HEIGHTS 8", PER SAID DEED AND SURVEY NO. 1979-015.

SET MONUMENT POINT TABLE - COORDINATES ARE LOCAL DATUM PLANE

POINT#	NORTHING	EASTING	DESCRIPTION
600	109005.822	354768.715	NO MONUMENT SET, COORDINATE FOR REFERENCE ONLY
601	109129.960	354988.406	NO MONUMENT SET, COORDINATE FOR REFERENCE ONLY
602	109206.247	355055.850	NO MONUMENT SET, COORDINATE FOR REFERENCE ONLY
603	109420.764	355286.086	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
604	109921.373	356050.608	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
605	109925.616	356801.170	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
606	109827.168	357051.357	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
607	109761.862	357883.990	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
608	109724.322	357847.260	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
609			INTENTIONALLY DELETED
610	109366.021	356208.931	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
611	109131.432	356222.814	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
612	109111.254	355441.473	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
613	109832.655	357853.928	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"

FOUND MONUMENT POINT TABLE - COORDINATES ARE LOCAL DATUM PLANE

POINT#	NORTHING	EASTING	DESCRIPTION	SOURCE
300	109075.100	354464.440	FD 5/8" IR, NO CAP, UP 0.40', W/ RWP	S1
301	109150.296	354727.657	FD 5/8" IR, NO CAP, UP 0.60', LEANING, TAB, W/ RWP	S1
302	109294.482	354934.302	FD 5/8" IR, NO CAP, UP 0.50', W/ RWP	S1
303	109027.819	355083.901	FD 5/8" IR, NO CAP, UP 0.10', W/ RWP	S1
304	109124.438	355169.557	FD 5/8" IR, NO CAP, UP 0.10', LEANING, TAB, W/ RWP	S1
305	109172.123	355204.073	FD 5/8" IR, NO CAP, UP 0.20', W/ RWP	S1
306	109247.653	355100.089	FD 5/8" IR, NO CAP, UP 0.20', W/ RWP	S1
307	109645.655	355396.810	FD 5/8" IR W/ YPC "REPPETO PLS 657"	S6
308	109779.425	355462.672	FD 5/8" IR, NO CAP, UP 0.20'	S1
309	109771.922	355490.785	FD 5/8" IR W/ YPC "W.B. WELLS & ASSOC INC"	P1
310	109754.236	355556.101	FD 3/4" IP, UP 0.10'	OU, FD IN S2
311	109738.975	355611.503	FD 5/8" IR, NO CAP	P1
312	109734.319	355628.993	FD 3/4" IP, UP 1.20', TAB	OU, FD IN S2
313	109723.306	355740.289	FD 5/8" IR W/ RPC, UNREADABLE	S4
314	109719.712	355775.120	FD 5/8" IR W/ RPC "THURSTON & ASSOC. INC."	S4
315	109784.687	355863.882	FD 5/8" IR, NO CAP, DOWN 0.20'	P1
316	109861.474	355968.780	FD 5/8" IR W/ YPC "W.B. WELLS & ASSOC. INC"	P1
317	109922.176	356151.131	FD 5/8" IR W/ YPC "W.B. WELLS & ASSOC. INC"	P1
318	109828.248	357209.353	FD 5/8" IR W/ YPC, UNREADABLE, DOWN 0.70'	P2
319	109830.983	357609.344	FD 5/8" IR W/ YPC, UNREADABLE, DOWN 0.80'	P2
320	109525.777	358243.030	FD 5/8" IR W/ YPC, "LS 1976"	P3
321	109490.557	358313.237	FD 5/8" IR, NO CAP, W/ RWP	S1
322	109831.595	357729.103	FD 5/8" IR, NO CAP, DOWN 0.80'	P2
323	109832.647	357852.817	FD 5/8" IR, NO CAP, DOWN 0.50'	OU, FD IN P2
324	109833.164	357928.349	FD 5/8" IR W/ YPC, UNREADABLE	S3



SIGNED ON: 11/20/20

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 13, 2004  
TOBY G. BOLDEN  
60377LS

RENEWS: DECEMBER 31, 2021

**CENTERLINE CONCEPTS**  
LAND SURVEYING, INC.

19376 MOLALLA AVE., SUITE 120  
OREGON CITY, OREGON 97045  
PHONE 503.650.0188 FAX 503.650.0189

PLOTTED: M:\PROJECTS\ODOT PROPERTY-SALAMO RD\DWG\ROS-C3D.dwg

# RECORD OF SURVEY

SUPPLEMENTAL SURVEY  
 A TRACT OF LAND LOCATED IN THE  
 S.E. 1/4 SECTION 35, T.2S., R.1E., W.M.  
 CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON  
 MAY 19, 2020 SCALE 1"=200'  
 SHEET 1 OF 1

CLACKAMAS COUNTY SURVEYOR

RECEIVED: \_\_\_\_\_

ACCEPTED FOR FILING: \_\_\_\_\_

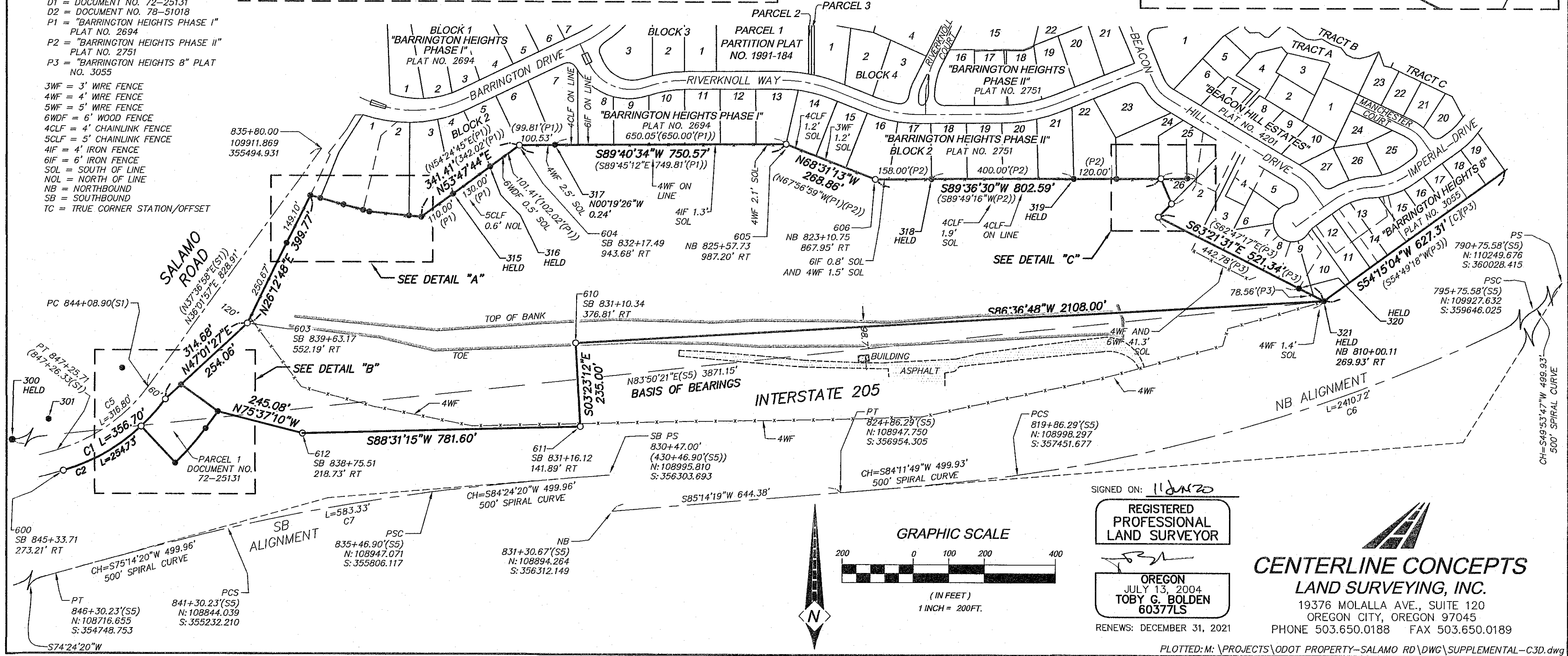
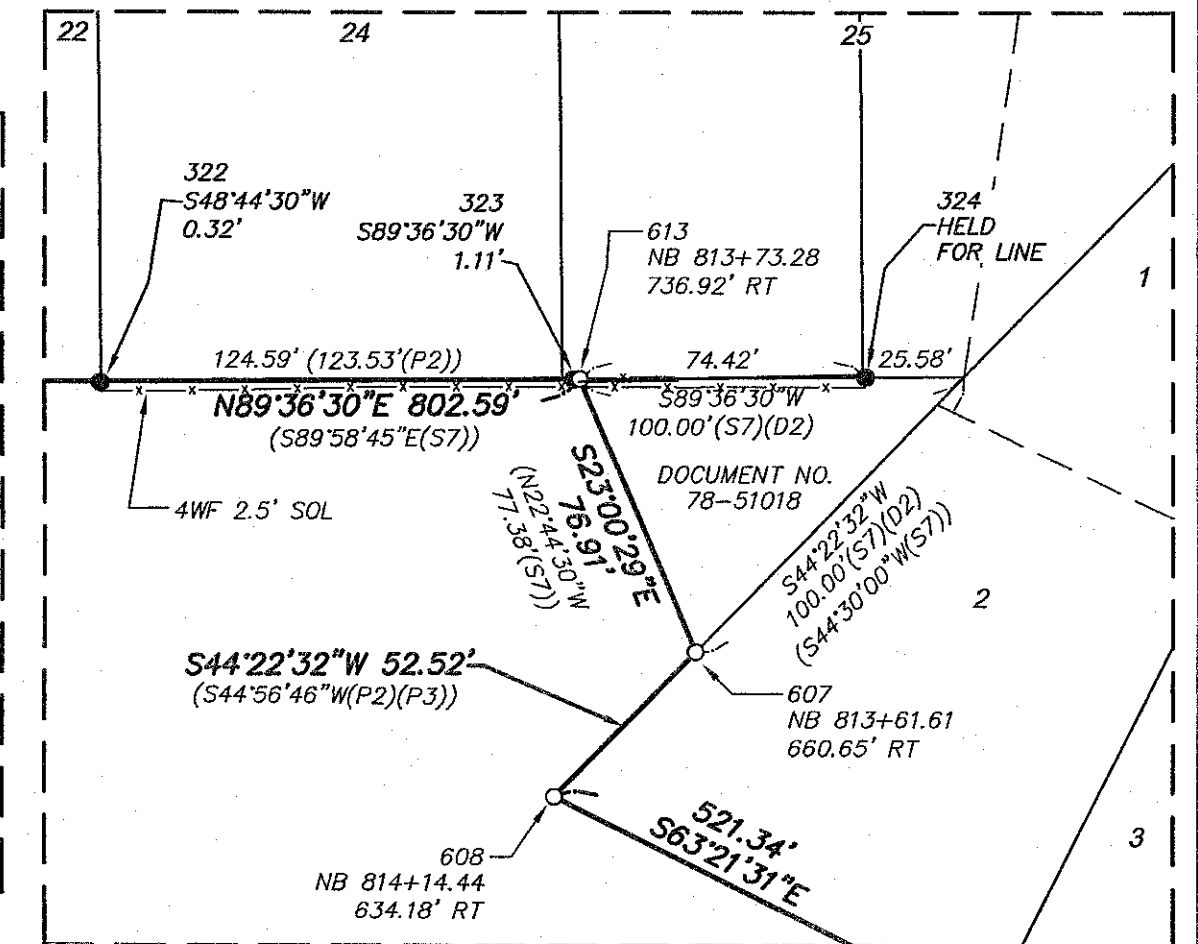
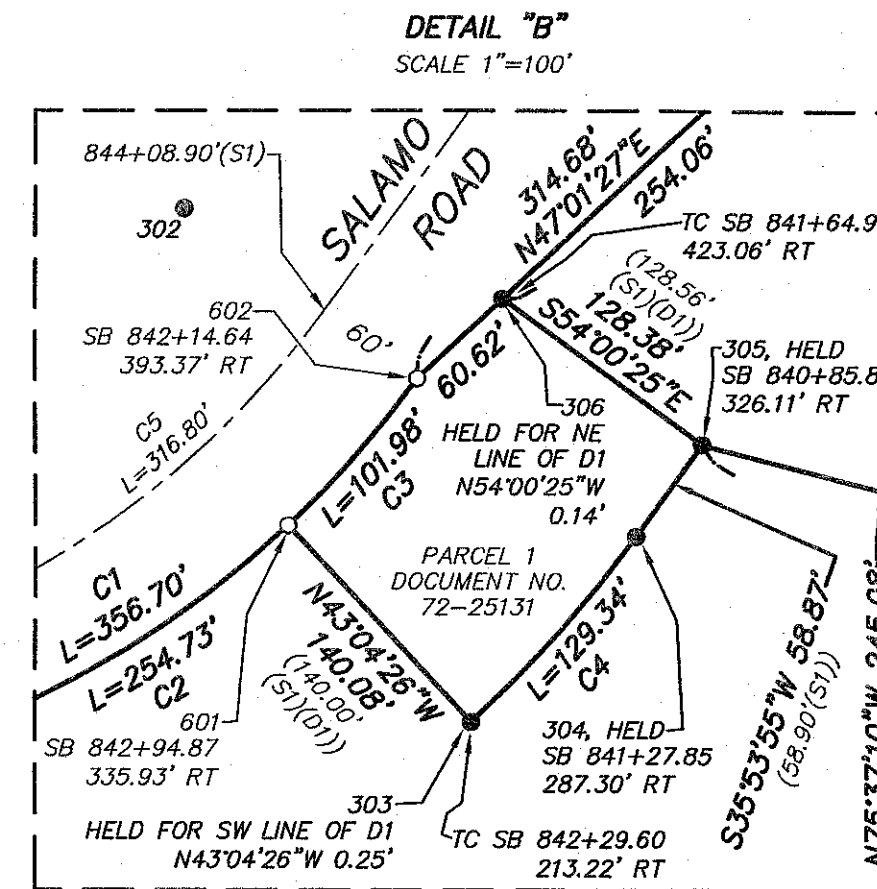
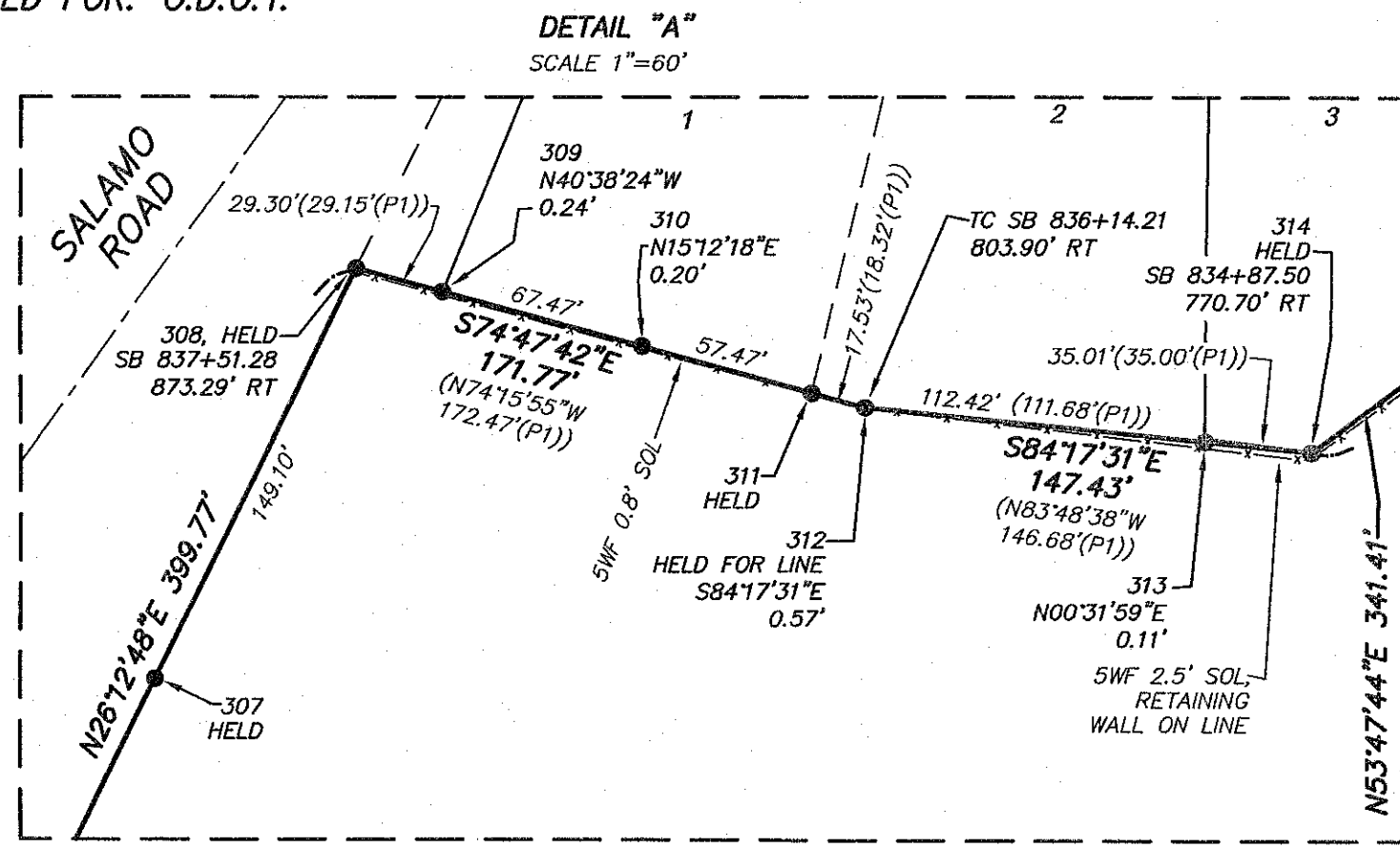
SURVEY NUMBER: \_\_\_\_\_

DETAIL "C"  
 SCALE 1"=50'

SURVEY PERFORMED FOR: O.D.O.T.

### LEGEND:

- SET MONUMENT AS NOTED IN SET MONUMENT TABLE ON SHEET 2. SET ON \_\_\_\_\_ 2020
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- P1 = "BARRINGTON HEIGHTS PHASE I" PLAT NO. 2694
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- P3 = "BARRINGTON HEIGHTS B" PLAT NO. 3055
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- 4WF = 4' WIRE FENCE
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- NOL = NORTH OF LINE
- NB = NORTHBOUND
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- TC = TRUE CORNER STATION/OFFSET



SIGNED ON: 11/20/20  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 OREGON  
 JULY 13, 2004  
 TOBY G. BOLDEN  
 60377LS  
 RENEWS: DECEMBER 31, 2021

**CENTERLINE CONCEPTS**  
 LAND SURVEYING, INC.  
 19376 MOLALLA AVE., SUITE 120  
 OREGON CITY, OREGON 97045  
 PHONE 503.650.0188 FAX 503.650.0189

**EXHIBIT B**  
**SALES AGREEMENT**



**Oregon Department of Transportation**

**BID FORM AND SALES AGREEMENT**

**Property Location/Address:**  
as described on Exhibit A (the "Property")

PUBLIC AUCTION

OPEN BID

DIRECT SALE

PM FILE:	PM203A-014
ACQ FILES:	H2539-41611; H2539-41609; H2539-41739; H2539-42417; H2539-43703; H2539-43737; H2539-43906; H2539-44078; H2539-44127; H2539-44267; H2539-45230
SECTION:	West Linn - Pacific Hwy Section (Part 1 of 2)
HIGHWAY:	064 - EAST PORTLAND FREEWAY
COUNTY:	Clackamas
MAP NO(s):	9B-1-6
MILEPOINT:	6.75 - 7.40
EA:	R41b11/002/L31

**SALE PRICE: \$396,000**

CASH

CONTRACT

**BID TO PURCHASE**

BID AMOUNT		\$396,000
EARNEST MONEY DEPOSIT	—	\$ 39,600
(include check for this amount)		
TOTAL BALANCE DUE FOR		
PURCHASE PRICE	=	\$356,400

The Bid Amount indicated above is hereby submitted for the purchase of the Property. Upon written acceptance of this Bid Form and Sales Agreement by the STATE OF OREGON, by and through its Department of Transportation, hereinafter referred to as "State," the undersigned as bidder, hereinafter referred to as "Purchaser," agrees to purchase the Property on the terms and conditions in the "Terms of Sale" set forth below, with the Bid Amount being the Purchase Price for the Property.

Accompanying this Bid Form and Sales Agreement is an Earnest Money Deposit in the form of a check payable to the Oregon Department of Transportation, in the amount of the Earnest Money Deposit set forth above.

THE STATE RESERVES THE RIGHT TO REJECT ANY AND ALL BIDS AT ANY TIME PRIOR TO ITS WRITTEN ACCEPTANCE OF THIS BID. If the State rejects this bid, it will return the Earnest Money Deposit to Purchaser, without any accrued interest.

Oregon Department of Transportation

TERMS OF SALE

Purchaser agrees to purchase the Property from the State on the following terms and conditions:

1. The Purchase Price for the Property is:

\$396,000.00 (Bid Amount)

2. Purchasers are submitting an Earnest Money Deposit with this Agreement in the amount of \$39,600. IN THE EVENT THE STATE WITHDRAWS SALE OF THE PROPERTY AFTER A BID IS ACCEPTED, THE EARNEST MONEY DEPOSIT SHALL BE RETURNED TO PURCHASER WITHOUT ANY ACCRUED INTEREST.

3. Purchaser will purchase the Property on a  Cash  Contract basis.

CASH PURCHASE

Purchaser will pay the State the balance of the Purchase Price (the Purchase Price less the Earnest Money Deposit) in the form of a cashier's check payable to the Oregon Department of Transportation, to be paid no later than 60 days after acceptance by State.

The Property will be conveyed by Bargain and Sale Deed. The State will record the Deed only after the full Purchase Price has been paid and all other conditions of sale have been satisfied.

In the event Purchaser fails to pay the balance of the Purchase Price due in the time specified, all rights of Purchaser in the Property shall cease and all right, title and interest in said real property shall continue to remain vested in the State, free of any claim or equity in the undersigned Purchaser or those claiming through Purchaser, and the State shall retain the Earnest Money Deposit and any interest thereon.

GC (Purchaser's Initials)

Unless and until the Bargain and Sale Deed is executed, Purchaser acquires no right, title, interest or equity in or to the Property and may not take possession of the Property.

CONTRACT PURCHASE

~~State and Purchaser shall enter into a Land Sale Contract in the State's standard form for the purchase of the Property. The State may record the executed Land Sale Contract or a memorandum thereof.~~

~~Interest under the Land Sale Contract shall be \_\_\_\_\_% per year. Monthly payment will calculated based on a \_\_\_\_\_ year amortization, with the entire unpaid balance due within \_\_\_\_\_ year(s).~~

~~Unless and until the Land Sale Contract is executed, Purchaser acquires no right, title, interest or equity in or to the Property and may not take possession of the Property.~~

## Oregon Department of Transportation

4. THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2010. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

5. The state will convey and Purchaser will acquire the Property AS IS, with all defects, if any. The State will convey only such right, title and interest in the Property as is now vested in the State. Conveyance will be by Bargain and Sale Deed in the State's standard form and will be subject to (a) all standard conditions, restrictions and reservations contained therein, (b) all conditions, restrictions and reservations contained within the Land Sale Contract, if applicable; and (c) the following conditions:

- Property is to be sold "AS IS."
- The Oregon Transportation Commission's use restrictions on signboards.
- The Oregon Transportation Commission's use restrictions on all types of junkyards.
- Noise and Air Pollution clause.
- Special Assessments, existing restrictions, reservations, and easements, if any.
- Subject to the rights of any utilities located within said property and further subject to the rights of said existing facilities, if any there be, to operate, reconstruct, and maintain their utility facilities presently located within said property.
- Property shall not be used for the operation of any garbage dump or landfill.
- Access to EAST PORTLAND FREEWAY Highway is completely restricted.
- At the purchaser's sole expense, within 180 days of ODOT's acceptance of purchaser's bid, the purchaser is to apply for and obtain a lot line adjustment or any other land use action that may be required of the local authority. The deed will not be recorded or delivered to the purchaser until ODOT receives written notification from the local authority that the lot line adjustment process or other required land use action has been completed.

6. Unless specifically provided for herein, **the State will not provide title insurance**. If Purchaser wishes to obtain title insurance or use an escrow agent in connection with the purchase of the Property, Purchaser may do so at Purchaser's sole expense.

7. Any real property taxes shall be prorated to the date of recording or other date agreed upon by the State and Purchaser.

*[remainder of this page intentionally left blank]*

Oregon Department of Transportation

PURCHASER'S BID SUBMISSION (if applicable) AND ACCEPTANCE OF TERMS OF SALE

City of West Linn  
(PRINT NAME OF PURCHASER)

By: [Signature]  
(Signature of Purchaser)

Name: Jerry Gabrielatos  
(Print Name of Person Signing)

Title: City Manager  
(Print Title, if any, of Person Signing)

Date: 6.23.21  
(Print Date)

PURCHASER CONTACT INFORMATION

22500 Salamo Rd.  
Mailing Address

West Linn, OR 97068  
City, State, ZIP

503-742-6025  
Phone Number

jjgabrielatos@  
Email Address

westlinnoregon.gov

DEED INFORMATION

CITY OF WEST LINN  
Please print name(s) exactly as it should be printed on Deed

22500 SALAMO RD.  
Mailing Address for Tax Statements

WEST LINN, OR 97068  
City, State, ZIP

STATE'S ACCEPTANCE OR REJECTION OF BID FORM AND SALES AGREEMENT

- STATE Accepts
- STATE rejects and submits Counter Offer
- STATE rejects

By: [Signature]  
STATE RIGHT OF WAY MANAGER

7/29/21  
DATE





**CENTERLINE CONCEPTS**  
LAND SURVEYING, INC.

19376 Molalla Avenue, Ste. 120, Oregon City, OR 97045  
P. 503-650-0188 F. 503-650-0189

**Exhibit "A"**  
**Tract 1**  
**Legal Description**

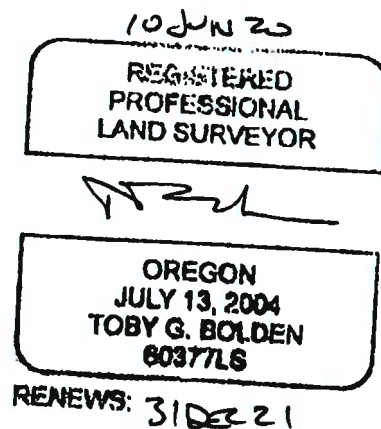
A Tract of land located in the Southeast one-quarter of Section 35 and the Southwest one-quarter of Section 36, Township 2 South, Range 1 East of the Willamette Meridian, City of West Linn, County of Clackamas, State of Oregon, being more particularly described as follows:

**BEGINNING** at a 5/8" iron rod with a red plastic cap marked "CENTERLINE CONCEPTS" set at the southwest corner of Lot 14, Block 2, "BARRINGTON HEIGHTS PHASE I", Clackamas County Plat Records, being at I-205 NB station 825+57.73, 987.20 feet Right; thence along south line of said Block 2, and continuing along the south line of Block 2, "BARRINGTON HEIGHTS PHASE II", Clackamas County Plat Records, South 68°31'13" East, 268.86 feet to a 5/8" iron rod with a red plastic cap marked "CENTERLINE CONCEPTS" set at the most southerly corner of Lot 16, being at NB station 823+10.75, 867.95 feet Right; thence continuing along the south line of said Block 2, "BARRINGTON HEIGHTS PHASE II", North 89°36'30" East, 802.59 feet to a 5/8" iron rod with a red plastic cap marked "CENTERLINE CONCEPTS" set at the northwest corner of that Tract of land described in Deed recorded as Document No. 78-51018, Clackamas County Deed Records, being at NB station 813+73.28, 736.92 feet Right; thence along the southwest line of said Tract of land described in Deed recorded as Document No. 78-51018, South 23°00'29" East, 76.91 feet to a 5/8" iron rod with a red plastic cap marked "CENTERLINE CONCEPTS" set at the most southerly corner thereof, being at NB station 813+61.61, 660.65, feet Right; thence along the northwest line of Lot 2, "BARRINGTON HEIGHTS 8", Clackamas County Plat Records, South 44°22'32" West, 52.52 feet to a 5/8" iron rod with a red plastic cap marked "CENTERLINE CONCEPTS" set at the most westerly corner thereof, being at NB station 814+14.44 634.18 feet Right; thence along the southwest line of said "BARRINGTON HEIGHTS 8", South 63°21'31" East, 521.34 feet to a 5/8" iron rod with no cap with a right of way paddle at the most southerly corner thereof, being at NB station 810+00.11 269.93 feet Right; thence leaving said most southerly corner of "BARRINGTON HEIGHTS 8", South 86°36'48" West, 2108.00 feet to a 5/8" iron rod with a red plastic cap marked "CENTERLINE CONCEPTS", being at I-205 SB station 831+10.34 376.81 feet Right; thence South 03°23'12" East, 235.00 feet to a 5/8" iron rod with a red plastic cap marked "CENTERLINE CONCEPTS", being at SB station 831+16.12 141.89 feet Right; thence South 88°31'15" West, 781.60 feet to a 5/8" iron rod with a red plastic cap marked "CENTERLINE CONCEPTS", being at SB station 838+75.51 218.73 feet Right; thence North 75°37'10" West, 245.08 feet to a

5/8" iron rod with no cap found at the most easterly corner of that Tract of land described as Parcel 1 in Deed recorded as Document No. 72-25131, Clackamas County Deed Records, being at SB station 840+85.83 326.11 feet Right; thence along the northeast line of said Tract of land described as Parcel 1, North 54°00'25" West, 128.38 feet to the southeast right of way line of Salamo Road, a variable width right of way, being at SB station 841+64.91 423.06 feet Right; thence along said southeast right of way, North 47°01'27" East, 254.06 feet to a 5/8" iron rod with a red plastic cap marked "CENTERLINE CONCEPTS" set at an angle point thereon, at SB station 839+63.17, 552.19 feet Right; thence continuing along said right of way line, North 26°12'48" East, 399.77 feet to a 5/8" iron rod with no cap, being at SB station 837+51.28 873.29 feet Right; thence along the south line of said Block 2, "BARRINGTON HEIGHTS PHASE I", South 74°47'42" East, 171.77 feet to a 3/4" iron pipe at an angle point thereon, being at SB station 836+14.21 803.90 feet Right; thence along said south line, South 84°17'31" East, 147.43 feet to a 5/8" iron rod with a red plastic cap marked "THURSTON & ASSOC. INC." found at the most southerly corner of Lot 3 of said Block 2, "BARRINGTON HEIGHTS PHASE I", being at SB station 834+87.50 770.70 feet Right; thence along said south line, North 53°47'44" East, 341.41 feet to a 5/8" iron rod with a red plastic cap marked "CENTERLINE CONCEPTS" set at the southeast corner of Lot 5 of said Block 2, "BARRINGTON HEIGHTS PHASE I", being at SB station 832+17.49 943.68 feet Right; thence along said south line, North 89°40'34" East, 750.57 feet to the **POINT OF BEGINNING**.

Contains 1,436,402 square feet, more or less.

The Basis of Bearings and the source of the I-205 Alignment, Stationing, and Offsets is per Survey No. 2019-040, Clackamas County Survey Records.



**EXHIBIT C**  
**CITY ENGINEER WRITTEN STATEMENT**

## Memorandum

To: John Floyd, Associate Planner

From: Amy Pepper, P.E., Senior Project Engineer

Re: Creation of legal lot of record from existing ODOT right-of-way

---

At their June 12, 2021 meeting, the West Linn City Council voted to approval to acquire surplus property owned by the Oregon Department of Transportation (ODOT), to be used for future construction of a new Operations Facility. At this time, the City is interested in only creating a legal lot of record to allow for the final real estate transaction to be completed. When funding is available, the City will pursue a land use application for the actual construction of the future facility/use of the property.

The property is 32.98 acres of ODOT owned property located north of the I-205/10<sup>th</sup> Street exit and east of Riverknoll Way. While the parcel is large, a majority of the parcel is not useable due to steep slopes. The development potential and specific details for the future operations facility will be decided when funding is available.

Access to the property in the future will from Salamo Road will be via a driveway approach near the intersection of Greene Street. With the future development plans, when funding is available, the City will be required to install street improvements to the minor arterial standards (WL-RD0010).

There is an existing 10" ductile iron water main in Salamo Road with adequate capacity to serve the proposed future development.

There is an existing 8" sanitary sewer main in Salamo Road with adequate capacity to serve the proposed future development.

Stormwater quality and quantity controls will be installed to offset the impacts of all impervious areas from the proposed future development. Sizing of those facilities will be part of future facility planning efforts.

**EXHIBIT D**  
**EXISTING CONDITIONS MAPS**





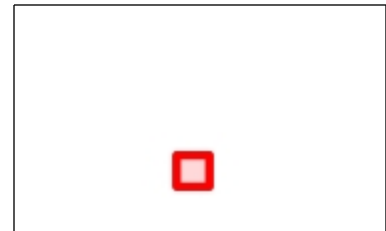
**Legend**

 Unofficial Tax Lots

0 0.11 0.23 Miles



1: 9,028



**Notes**

This map was automatically generated using Geocortex Essentials.

### Legend

#### Zoning

- Single and Multi Family R-2.1
- Single and Multi Family R-3
- Single-Family R-4.5
- Single-Family R-5
- Single-Family R-7
- Single-Family R-10
- Single-Family R-15
- Single-Family R-20
- Single-Family R-40
- Mixed Use
- Neighborhood Commercial
- General Commercial
- Office Business Center
- Campus Industrial
- General Industrial

- Unofficial Tax Lots
- City Limit
- Parks and Open Space
- City Owned Property

0 0.11 0.23 Miles

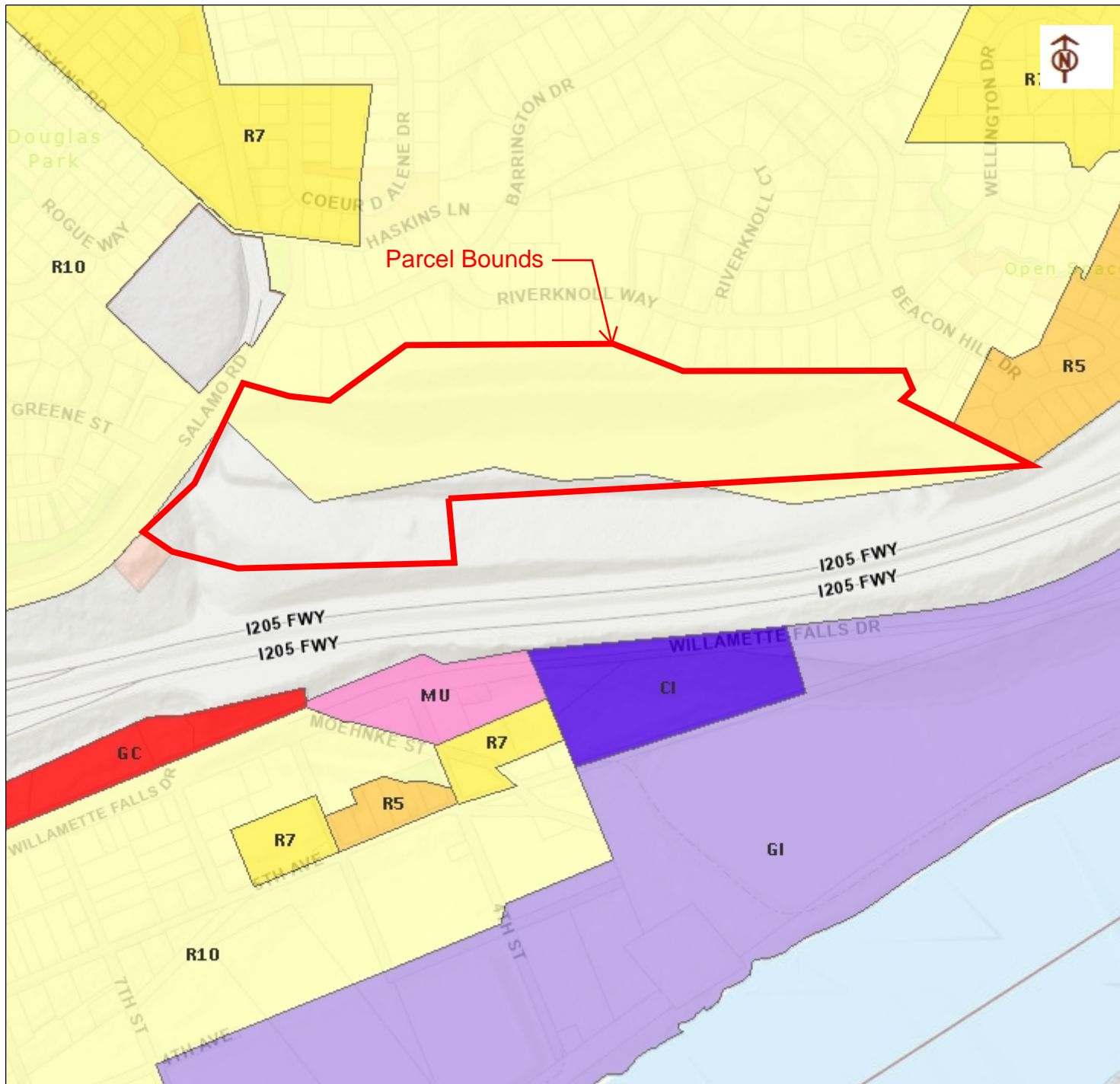


1: 9,028



#### Notes

This map was automatically generated using Geocortex Essentials.





### Legend

- Stormwater Main**
  - Pipe
  - Open Ditch
- Stormwater Facility
- Water Main Labels
- Water Main
- Water Reservoir
- Sewer Pump Station
- Sewer Main**
  - Pressure
  - Gravity
- Unofficial Tax Lots
- City Limit
- Parks and Open Space
- City Owned Property

0 0.11 0.23 Miles



1: 9,028

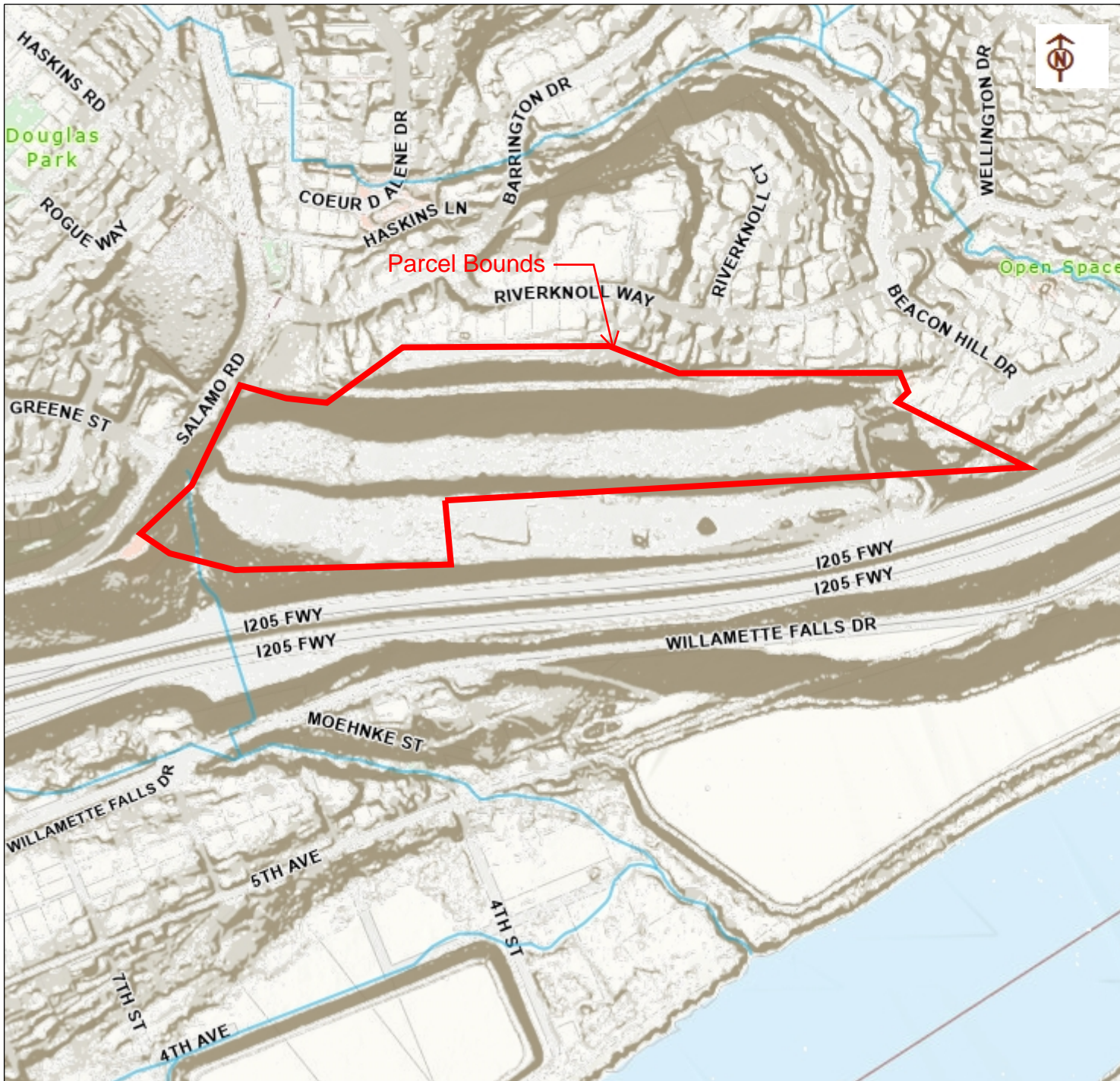


### Notes






This map was automatically generated using Geocortex Essentials.







**Legend**

-  Unofficial Tax Lots
-  City Limit
-  Parks and Open Space
-  City Owned Property
-  Approximate Stream Locations

0 0.11 0.23 Miles



1: 9,028



**Notes**

This map was automatically generated using Geocortex Essentials.

**PD-2 COMPLETENESS LETTER**



CITY OF  
**West Linn**

December 14, 2021

Casey Thomson  
City of West Linn Engineering Division  
22500 Salamo Road  
West Linn, OR 97068

SUBJECT: MIP-21-03 application for a Minor Partition to create a create one legal lot of record out of existing ODOT right of way located northerly of the I-205 freeway, easterly of Salamo Road, and southerly of Barrington Heights

Dear Mr. Thompson,

You submitted this application on December 6, 2021 and provided supplemental information on December 14, 2021. The Planning and Engineering Departments find that this application is now complete as of December 14, 2021. The city has 120 days to exhaust all local review; that period ends April 13, 2022.

Please be aware that a determination of a complete application does not guarantee a recommendation of approval from staff for your proposal as submitted – it signals that staff believes you have provided the necessary information for the Planning Director to render a decision on your proposal.

A 20-day public notice will be prepared and mailed. This notice will identify the earliest potential decision date by the Planning Director.

Please contact me at 503-742-6058, or by email at [jfloyd@westlinnoregon.gov](mailto:jfloyd@westlinnoregon.gov) if you have any questions or comments.

Sincerely,

John Floyd  
Associate Planner

**PD-3 AFFADAVIT AND NOTICE PACKET**



**AFFIDAVIT OF NOTICE  
Type A**

We, the undersigned do hereby certify that, in the interest of the party (parties) initiating a proposed land use, the following took place on the dates indicated below:

**PROJECT**

File No.: **MIP-21-03** Applicant's Name: **COWL**  
Development Name: **Oregon Department of Transportation right of way**  
Scheduled Decision Date: **Planning Manager Decision no earlier than 1/4/22**

**APPLICATION**

The application, all documents or evidence relied upon by the applicant, and applicable criteria were posted on the website at least 20 days prior to the hearing or decision date per Section 99.040 of the Community Development Code.

12/14/21	<i>Lynn Schroder</i>
----------	----------------------

**MAILED NOTICE**

Notices were mailed at least 20 days prior to the scheduled hearing date per Section 99.080 of the Community Development Code to:

COWL, applicant	12/14/21	<i>Lynn Schroder</i>
Clackamas County	12/14/21	<i>Lynn Schroder</i>
Oregon Dept of Fish & Wildlife	12/14/21	<i>Lynn Schroder</i>
Division of State Lands	12/14/21	<i>Lynn Schroder</i>
ODOT	12/14/21	<i>Lynn Schroder</i>
Property owners of record within 500 feet	12/14/21	<i>Lynn Schroder</i>
Savanna Oaks & BHT Neighborhood Associations	12/14/21	<i>Lynn Schroder</i>

**TIDINGS**

No Tidings notice.

**WEBSITE**

Notice was posted on the City's website at least 20 days prior to the scheduled hearing date.

12/14/21	<i>Lynn Schroder</i>
----------	----------------------

**SIGN**

At least 10 days prior to the schedule hearing, a sign was posted on the property per Section 99.080 of the Community Development Code.

12/15/21	<i>John Floyd</i>
----------	-------------------

**FINAL DECISION**

Notice of final decision was mailed to the applicant, all other parties with standing, and posted on the City's website per Section 99.040 of the Community Development Code.

1/7/22	<i>Lynn Schroder</i>
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**NOTICE OF UPCOMING  
PLANNING COMMISSION DECISION**

**PROJECT # MIP-21-03  
MAIL: 12/14/2021**

**CITIZEN CONTACT INFORMATION**

To lessen the bulk of agenda packets and land use application notice, and to address the concerns of some City residents about testimony contact information and online application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the testimony forms and/or mailing labels. A copy is available upon request.

**CITY OF WEST LINN  
NOTICE OF UPCOMING PLANNING MANAGER DECISION  
FILE NO. MIP-21-03**

The West Linn Planning Manager is considering MIP-21-23, a single-lot partition to create a legal lot of record out of existing Oregon Department of Transportation (ODOT) right of way located northerly of the I-205 freeway, easterly of Salamo Road, and southerly of Barrington Heights. The purpose of the action is to facilitate the transfer of approximately 32.98 acres land from ODOT to the City of West Linn. No development is proposed as part of this application.

The Planning Manager will decide the application based on criteria in Chapters 11, 32, 48, 85, and 99 of the Community Development Code (CDC). The approval criteria from the CDC are available for review on the City website <http://www.westlinnoregon.gov/cdc> or at City Hall and the City Library.

The application is posted on the City's website, <https://westlinnoregon.gov/planning/odot-row-east-salamo-drive-and-north-i-205-minor-partition>. Alternatively, the application, all documents or evidence relied upon by the applicant and applicable criteria are available for inspection at City Hall at no cost. Copies may be obtained at reasonable cost.

A public hearing will not be held for this decision. **Anyone wishing to submit comments for consideration shall submit all material before 4:00 p.m. on January 3, 2022 to [jfloyd@westlinnoregon.gov](mailto:jfloyd@westlinnoregon.gov) or mail them to City Hall. All comments must be received by the deadline.**

**It is important to submit all testimony in response to this notice.** All comments submitted for consideration of this appeal should relate specifically to the applicable criteria. Failure to raise an issue in a hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes appeal to the Oregon Land Use Board of Appeals based on that issue.

The final decision will be posted on the website and available at City Hall. Persons with party status may appeal the decision by submitting an appeal application to the Planning Department within 14 days of mailing the notice of the final decision pursuant to CDC [99.240](#).

**Contact John Floyd, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, (503) 742-6058, [jfloyd@westlinnoregon.gov](mailto:jfloyd@westlinnoregon.gov) for additional information.**



MIP-21-03 ODOT ROW MINOR PARTITION 500-FOOT BUFFER PROPERTIES



**Legend**

 Unofficial Tax Lots

0 0.11 0.23 Miles



1: 9,028



**Notes**

This map was automatically generated using Geocortex Essentials.



## **PD-4 PUBLIC COMMENTS**

**From:** [Joshua Dodson](#)  
**To:** [Floyd, John](#)  
**Cc:** [dodsonhome@comcast.net](mailto:dodsonhome@comcast.net)  
**Subject:** MIP-21-03 DODSON Concern 12.22.2021  
**Date:** Wednesday, December 22, 2021 2:32:10 PM  
**Attachments:** [image001.png](#)  
[Dodson 3350 Barrington Drive MIP-21-03 12.22.2021.pdf](#)

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**CAUTION:** This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

**John-** attached you will find my comment in compliance with the official notice that was mailed to us and due by January 3, 2022. As I mentioned on the phone even though this is regarding our non-business concern, I am a project manager/owner's representative who managed both the City of Wilsonville SMART Ops facility and the City of Lake Oswego's public works facilities as well as other public projects, so I am interested on a professional level on helping the City out with the future project on said property. I was an owner and partner with Mike Day for DAY CPM then we sold to OTAK in 2017 and now I am venturing out on my own doing the same thing. I would like to meet you and the City Manager if you'd like sometime between or after the Holidays so let me know.

Have a wonderful Christmas and Happy New Year John.



December 22, 2021

Dodson, Joshua & Alyssa  
3350 Barrington Drive  
West Linn, OR 97068  
(503)754-2546 cell  
[joshua@dpmco.us](mailto:joshua@dpmco.us)

**RE: MIP-21-03- Concern for future development**

Dear Mr. John Floyd,

It was informative to speak with you on 12/16/2021 regarding the notice we received in the mail regarding the recently purchased 33 acres below our property location. The intent and purpose for the City's purchase of the property from ODOT seems reasonable in terms of desire for public use and potential public works and maintenance facility, preferable located at the lower flat parcel.

Our concern is related to HB2001 and potential future development or sale to a developer who may develop at all tiers of the 33 acres including the current ODOT grass fire strip located along the ridge line behind our homes, noted in the attached exhibit. Even though it would seem difficult to develop at this location developers would figure a way. This would create quite the uproar from these homeowners affected.

One idea would be to deed that current grass strip to each homeowner who would want it from their current property line out to the ridge. This would preserve good relations, good views and eliminate future development in this wild natural space along the top ridge.

I am interested in keeping in the loop with this project and how I can be a part of its decisions and if there are any options for parceling out the spaces for those living along Barrington and Riverknoll Drives.

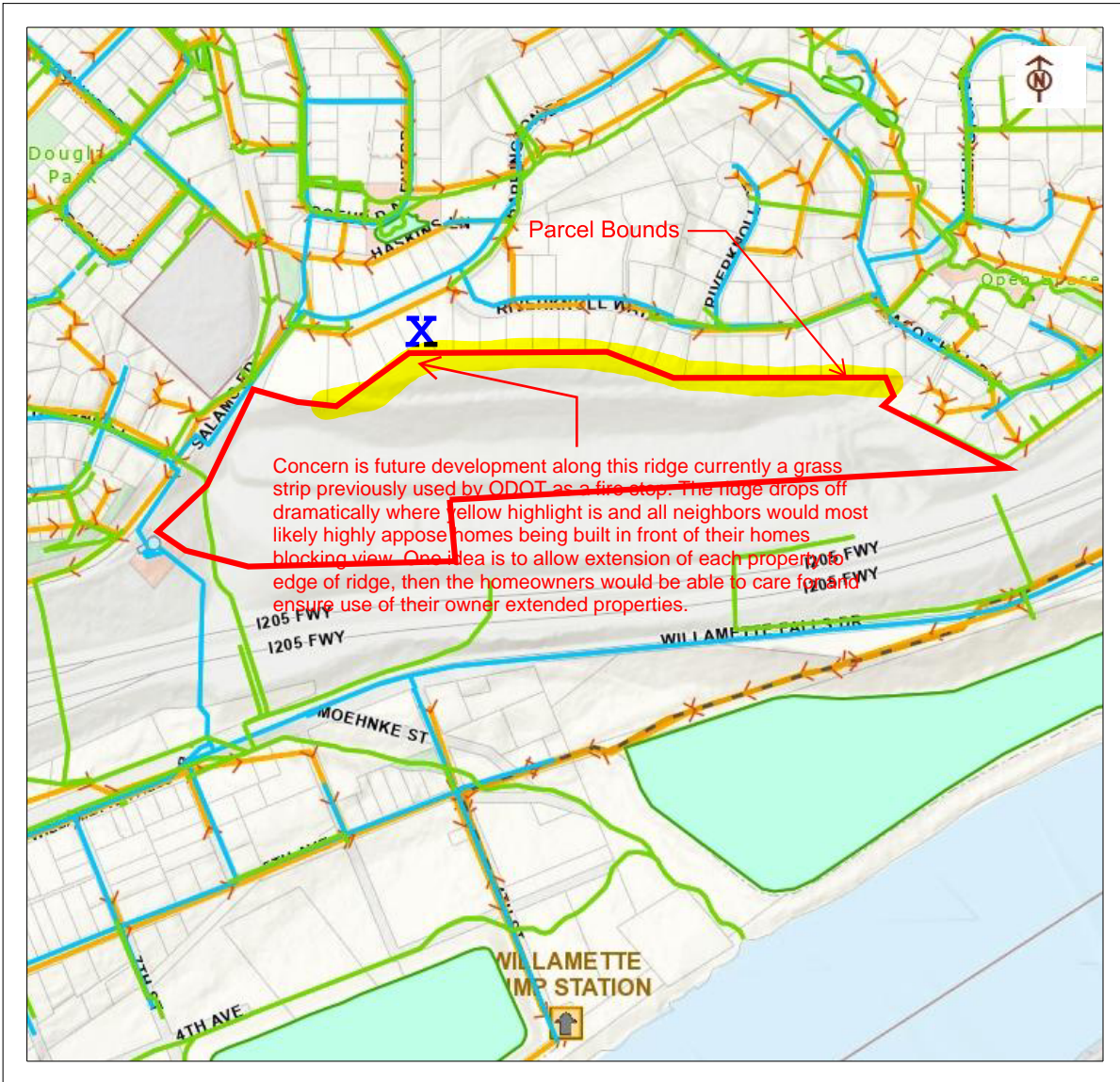
Appreciate the opportunity to express some thoughts.


Sincerely,



Joshua Dodson

**Attachments:** December 14, 2021 letter to Engineering Division from John Floyd  
City Notice of upcoming planning manager decision File No. MIP-21-03  
Parcel boundary with noted area of interest



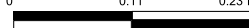


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**Legend**

- Stormwater Main
  - Pipe
  - Open Ditch
- Stormwater Facility
- Water Main Labels
- Water Main
- Water Reservoir
- Sewer Pump Station
- Sewer Main
  - Pressure
  - Gravity
- Unofficial Tax Lots
- City Limit
- Parks and Open Space
- City Owned Property

0 0.11 0.23 Miles



1: 9,028



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**Notes**

This map was automatically generated using Geocortex Essentials.



# West Linn

December 14, 2021

Casey Thomson  
City of West Linn Engineering Division  
22500 Salamo Road  
West Linn, OR 97068

SUBJECT: MIP-21-03 application for a Minor Partition to create a create one legal lot of record out of existing ODOT right of way located northerly of the I-205 freeway, easterly of Salamo Road, and southerly of Barrington Heights

Dear Mr. Thompson,

You submitted this application on December 6, 2021 and provided supplemental information on December 14, 2021. The Planning and Engineering Departments find that this application is now complete as of December 14, 2021. The city has 120 days to exhaust all local review; that period ends April 13, 2022.

Please be aware that a determination of a complete application does not guarantee a recommendation of approval from staff for your proposal as submitted – it signals that staff believes you have provided the necessary information for the Planning Director to render a decision on your proposal.

A 20-day public notice will be prepared and mailed. This notice will identify the earliest potential decision date by the Planning Director.

Please contact me at 503-742-6058, or by email at [jfloyd@westlinnoregon.gov](mailto:jfloyd@westlinnoregon.gov) if you have any questions or comments.

Sincerely,

John Floyd  
Associate Planner

**CITY OF WEST LINN  
NOTICE OF UPCOMING PLANNING MANAGER DECISION  
FILE NO. MIP-21-03**

The West Linn Planning Manager is considering MIP-21-23, a single-lot partition to create a legal lot of record out of existing Oregon Department of Transportation (ODOT) right of way located northerly of the I-205 freeway, easterly of Salamo Road, and southerly of Barrington Heights. The purpose of the action is to facilitate the transfer of approximately 32.98 acres land from ODOT to the City of West Linn. No development is proposed as part of this application.

The Planning Manager will decide the application based on criteria in Chapters 11, 32, 48, 85, and 99 of the Community Development Code (CDC). The approval criteria from the CDC are available for review on the City website <http://www.westlinnoregon.gov/cdc> or at City Hall and the City Library.

The application is posted on the City's website, <https://westlinnoregon.gov/planning/odot-row-east-salamo-drive-and-north-i-205-minor-partition>. Alternatively, the application, all documents or evidence relied upon by the applicant and applicable criteria are available for inspection at City Hall at no cost. Copies may be obtained at reasonable cost.

A public hearing will not be held for this decision. **Anyone wishing to submit comments for consideration shall submit all material before 4:00 p.m. on January 3, 2022 to [jfloyd@westlinnoregon.gov](mailto:jfloyd@westlinnoregon.gov) or mail them to City Hall. All comments must be received by the deadline.**

**It is important to submit all testimony in response to this notice.** All comments submitted for consideration of this appeal should relate specifically to the applicable criteria. Failure to raise an issue in a hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes appeal to the Oregon Land Use Board of Appeals based on that issue.

The final decision will be posted on the website and available at City Hall. Persons with party status may appeal the decision by submitting an appeal application to the Planning Department within 14 days of mailing the notice of the final decision pursuant to CDC [99.240](#).

**Contact John Floyd, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, (503) 742-6058, [jfloyd@westlinnoregon.gov](mailto:jfloyd@westlinnoregon.gov) for additional information.**

**From:** [Karie Oakes](#)  
**To:** [Floyd, John](#)  
**Subject:** MIP-21-03  
**Date:** Monday, January 3, 2022 3:58:57 PM

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**CAUTION:** This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Dear Mr. Floyd,

Please submit this testimony for consideration of the request for a minor partition of ODOT ROW to create a lot of record.

The notice did not properly inform persons entitled to mailed notice and the general public of the earliest date by which the Planning Director or his designee will make a decision pursuant to:

## 99.090 CONTENTS OF NOTICE

A. Notices mailed pursuant to this code shall comply with applicable provisions of the Oregon Revised Statutes (ORS). Except for expedited land division review, for which Chapter 197 ORS shall apply, notice given to persons entitled to mailed or published notice pursuant to CDC 99.060 shall:

...

4. State the date, time, and location of hearing or, for the Planning Director's decisions, the earliest date upon which the Director will make a decision.

Secondly, the applicant notes that there is a water resource area on the property, stating that there is a mapped stream on the property which will have to be protected when development occurs pursuant to Chapter 32. Without an existing conditions map that shows the stream, it is not possible to determine if this minor partition will serve the City's future plans for the property and protect the stream.

Karie Oakes